A PVBLICATION OF HIS Matie EDICT,

AND SEVERE CENSVRE against Priuate Combats and Combatants;

Whether within his Highnesse Dominions, or without: With their Seconds, Accomplices, and Adherents.

Straitly charging all Officers, and other his Maties Subiects, to vse no connniencie, or remisse proceeding toward such Offenders:

For the necessary and timely preuention of those heauy euents, whereunto aswell Kingdomes, as worthy Families become obnoxious, by the odious and enormous Impieties inexitably subsequent thereupon.

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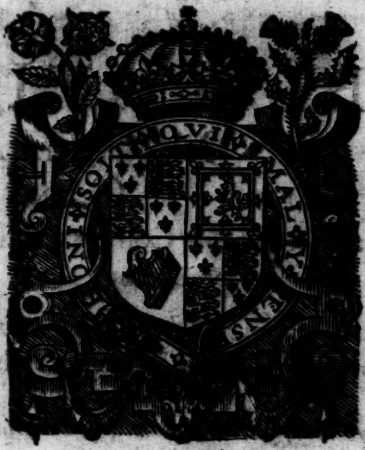

A PVBLICATION OF HIS Maties EDICT, and ſeuere Cenſure againſt Priuate Combats, and Combatants, &c.

THE pride of *Humours*, the libertie of *Times*, the conniuencie of *Magiſtrates*, together with a kinde of preſcription of impunity, hath bred ouer all this *Kingdome*, not onely an opinion among the weakeſt, but a conſtant beliefe among many, that deſire to bee reputed among the wiſeſt, of a certaine freedome left to all men vpon earth by *Nature*, as their *Birth-right*, to defend their reputations with their *Swords*, as they doe their Liues and Goods, and to take reuenge of any wrong, either offered or apprehended, in that meaſure, which their owne inward Paſsion, or

affection doeth ſuggeſt, without any further proofe: ſo as the *Challenge* be ſent in a ciuill maner, though without leaue demaunded of the *Soueraigne*, and without reſpect to any *prohibition* or *limitation*, that hath bene layd downe either by the *King* himſelfe, or by the *Lawes poſitiue*.

THe *Law of Nature* neuer warranted the preſumption of a *Subiect*, to challenge any perſon to the *Combate for his life*, in cold blood, and vpon aduiſement, nor any other Acte, then a neceſſary defence vpon a violent aſſault, becauſe a Life might otherwiſe be loſt, before a complaint could bee made, the Weapons working their outragious effects and ends in an inſtant, and without hope of redreſſe. And yet the *Ciuill Lawes*, which ſpeake with the voyce of *Nature* among men, doe not admit ſo much as this defence of Life by the *Sword*, but vpon neceſſitie; and as they ſpeake themſelues, *Ratione inculpatæ tutelæ*, which is in ſuch diſtreſſe, as deſtruction cannot bee declined, nor auoyded otherwiſe: For if it ſo fall out, that

that the partie set vpon, be able to secure himselfe without the *Sword*, either by stepping aside, or by crauing ayd at the same leasure, that a *Gentleman*, or any other wronged in his *reputation*, may take his remedy without rage or violence, before a *lawfull Iudge*, the *Duellours* of these dayes must want this thinne couer for an excuse of their *audacitie*.

FOr nothing can be more certaine, then that *Gentlemen* do first offend against the *Law of Nations*, which is in deed the *Law of Nature* among men that are indued with *reason*, and created according to GODS *owne Sacred Image*: Howsoeuer Wee know that the *Law of Nature* hath *In primæuo iure*, a more large extent, not by demaunding, but by tearing out their *portions* like beasts, by their teeth and nailes, and pearcing the very bowels of the *Earth*, to find out weapons far more mischieuous then these: Whereas *Iustice* looking rather to the first ground in her establishment of *Lawes*, that are truely said, *Suum cuique tribuere*, then to the passions of wrath,

wrath, which tied to no dimension, hath taken a more safe and easie course, by debating and deciding Iniuries, that are indeed, or may bee strained or pretended by one man against another, according to the rules of *Moderation* and *Equitie*.

THey spare not in like maner to transgresse the *written Lawes* of GOD himselfe, which prouidently referre all kinds of Complaints, Actions, and Suits, that concerne the Bodies, the Liues and Fortunes of men, all kinds of strife betweene Title and Title, Plea and Plea, Blood and Blood, not to that humorous construction of the parties *Humour* that is interessed (and therefore *partialitie* corrupts) but rather to the strength of *testimonie*, to the *Iustice of Lawes*, and to the conscience of an *vpright Iudge*, who bending neither to *partialitie*, nor *preiudice*; but looking vpon the matter with *vprightnesse* of *conscience* and *knowledge*, is more likely then the persons, whom the case so neerely and dearely concernes, to resolue according to the *streight leuell*.

Moreouer,

MOreouer, if the Lawes of this Kingdome (consenting touching this point, with all others in the world) could speake as vocally, and audably in their owne defence, as the Iudges (who are indeed *Loquentes Leges*, the speaking Lawes,) both pleade for them, and out of them vpon the Bench: then doubtlesse they would extremely disdaine that priuate persons (borne not to cõmand but to obey, not to struggle but to submit, not to make Lawes, but to obserue and keepe them with reuerence and awe) should bandie out of boldnes and presumption, against the wisedome of all precedent times, iustifie the crooked measure of affection against the streight rule of Right, and out of the pride of their owne distempered conceits, make themselues in the point of Reputation, (which comes neerest to the life of a Generous and worthy minde) both parties, and Iudges absolute: and in a sort submit the reall grounds of Morall vnderstanding, to the suddaine flashes of their owne furie.

WE make no queſtion, but that if Honour had beene reputed ſuch an *Indiuiduum vagum*, or ſuch a wilde tranſcendent in former times, as neither Ciuill Courts were able to containe, which notwithſtanding iudge of all matters that concerne Liberty and Life, which are reckoned with reputation *Inter res inæſtimabiles*, nor the Court of Honour to confine, which was erected to no other end, then to decide ſuch queſtions, as the Lawes of the Land omit, as no way appertaining to their element, which the Bookes themſelues expreſſe, ſome other courſe would haue bene found before our dayes, that had beene more indifferent, and in ſo many ages paſt, betweene the ſenſe of Honour, and the ſeueritie of Law. But ſince we ſee, that notwithſtanding theſe pretended colours in this vetite kinde, the Lawes of the Kingdome proceede capitallie againſt all thoſe that are found to ſpeede their enemies vpon priuate Quarrells in the Fields after a faire maner, (according to the phraſe) that is, without treacherie or fraud, vvithout either protection by the Court of

Chiualrie,

Chiualry, or discharge by *Parliament*, thoug[h] therein many members are found to be tied in blood, in friendship, and alliance to those Gentlemen that runne this hazard of their liues and fortunes euery day: we may conclude that boldnesse doeth rather begge, then Iustice can finde any cause to graunt impunitie vpon a point that is so desperate. For by how much Conscience is of greater price then Conceit, by so much hath an ignorance inuincible, or a resolution vnchangeable, more reason to defend it selfe in that, then in this, setting obedience aside: for the one stabbes piety, the other doth but onely pricke or offend humour.

THe wisedome of Our *Ancestours* vndoubtedly foresaw, that if these *Challengers* vpon disgrace, that affect so earnestly to be priuiledged as *Spirituales homines*, which, as Gods Spirit witnesses, *à nemine iudicantur*, could by audacitie, intreatie, or impunitie, haue compassed their owne end in this point of Honour, they would likewise within a while haue pressed vpon the same

ground, to reuerſe the Sentence of a Iudge in poynt of Right. For *Otho* hauing firſt preuailed in procuring Trials by the Sword, for diſcharge of diſhonor, would after that haue brought the Trials of the Subiects property to the ſame bloody touch of gaine. Some of the *French* Writers report, That in that Kingdome alſo, this maner of proceeding in defence of Titles vpon Challenge, was very rife. And *England* it ſelfe, as appeares by the *Writ of Right*, which ſtands in force till this preſent, was not cleare of the like liberty.

THus hauing made it euident, how farre all *Challenges* in cold blood, ſwarue from all preſcription and formes of Iuſtice that euer were, Wee may further adde, That againſt the State of a King (whoſe Office is to take a preciſe accompt of all wrongs) and the Iuſtice of a Kingdome, that make diſtribution without defect, they tranſgreſſe wilfully. For what can be more repugnant both to duetie and humanitie, then to ſnatch the Sword of Iuſtice out of Our hands, which they meane to draw and exerciſe in their

owne

owne will, as if it lay in their owne election to obey or not obey, as if they might keepe a Posterne gate euer open without watch or ward, to which it should bee lawfull for yong Gentlemen without consulting either Prince or Iudge, to runne headlong to their owne ruine; or as if it could stand with the tender care, which We profesſe of conseruing the Subiect in securitie, the *State* in strength, the gouernement in peace, to open the great Vaine, by which the Common wealth might bleed, not as Feuers pestilent *ad animi deliquium*, but rather as in the heart of *Seneca*, when hopes are desperate, *ad vitæ exitum*? for this must be the issue of an vnlawfull acte, which excludes all maner of satisfaction for wrongs, besides that of the sword, which obserues no measure.

IN this course of proceeding, these *Challengers* doe likewise so strangely crosse the line of their owne pretended leuill, as if malice did not stand too much in the light of reason, they would easily confesse. For pretending aboue all things to regard Ho-

nour for a flouriſh, yet to ſatisfie their owne inordinate deſires, they flie the certaine iudgement of the Court of Honour, vpon queſtion which hath no other obiect to contemplate, then it ſelfe: which mooues Vs to conceiue vpon iuſt cauſe, that their ſcope and drift is to plant this Idole *Honour*, (as they make it) onely *in ſcrinio pectoris*; that is, in the Cabinet of their owne Conceit, intending nothing leſſe then to hit the marke whereat they ſhoote, or *Sic currere vt comprehendant*, ſo to runne as they may preuaile in that which they proſecute. But howſoeuer their light paſsions may ſhift often like the ſands, yet Our purpoſe and intent is, neuer to giue way to theſe bolde preſsing humours in the leaſt degree, whereof Iuſtice may finde cauſe to complaine, or reaſon to repent; leſt by the faire aduantage of this riſe, our raſh Aduenturers *in paruis viam præſtruendo*, by diſpenſing with themſelues in theſe things (which they value but as pettie contempts) may by vſe and daily practiſe bee emboldened to leape ouer theſe guards of loyaltie.

IT is but a wanton kind of dalliance, which ſome of the ſtouteſt Proctours of the *Challengers* are inforced tovſe, for ſome excuſe of their oppoſition to the written lawes of God, which forbid priuate men to kill for any cauſe; & beſides, more ſafely to conuey themſelues, as ſome conceiue vnprobably, out of the reach of the eternall curſe, which God by his owne mouth hath pronounced againſt all thoſe, that aduenturing to leaue this life in paſſion, preſume to preſſe in the next, to the Supper of the Lambe without charity, which is the true badge of a *Chriſtian* Profeſsion, becauſe it muſt euer diſtinguiſh Gods ſeruants from Satans forelorne hopes; and the heires of the promiſe, from the damned crew, expecting no greater mercy then they merit: The guiltineſſe of euery mans owne conſcience that offendeth in this kind, is able to make vp a *Decem tales* for euery Iurour that is abſent from the Barre: And howſoeuer ſome preſume too farre vpon the grace that may be graunted *in extrema hora*, yet Mercy it ſelfe makes a great difference betweene thoſe that offend in weakeneſſe,

neſſe, or of wilfulnes: For where preſumptions are confident, euents doubtfull, and the time which ſhould ſerue for repentance, ſhort; nay which is worſt of all, where rather feare of hell, then obedience to God, may be conceiued probably to be a kinde of ſpurre to that repentance, which ſometime deceiues the world, it behooueth men to be as certaine of their inſtrument, as of their acte; and that they ſhall haue as much leaſure to confeſſe, as God hath mercy to forgiue, before they make their paſſage ſo ſafe and eaſie, as they apprehend, frō the paines that are tranſitorie, to the bliſſe that is vnchangeable. It lies not in the wit or prouidence of any mortall man, before hand to aſſure himſelfe of ſuch a perfect patience, as may prepare the mind to meditate vpon the beſt meanes of releaſe from eternall death, while his enemie is in his eye, the woundes bleed freſhly, ſhame blinds the iudgement, choller preuails againſt aduiſe, and the voice of nature herſelfe is more apt to call for reuenge, then to teach humilitie.

By

BY comparing forraine miſchiefes with home-bred accidents, it will not be hard to iudge, into what region this bolde bird of audacious preſumption, in dealing blowes ſo confidently, will mount, if it be once let flie from the breaſt wherein it lurkes. And therefore it behoueth Iuſtice, both to keepe her ſtill in her owne cloſe cage, with care that ſhe learne neuer any other dittie, then *Eſt bene*; but withall, that for preuention of the worſt that may fall out, we clippe her wings, that they grow not too faſt. For according to that of the Prouerbs, *It is labour loſt, to lay nets before the eyes of winged foules*; and experience prooues all Gouernments to be weake, and for the moſt part diſobedient and mutinous, where the Father is not able to diſpoſe of a Sonne, nor the Commonwealth of a Member, nor the Church of a child, nor the Soueraigne, that is chiefly put in truſt with the raines of Regiment, of a natiue Subiect longer then they liſt, or at the leaſt, then they ſtand free from Quarrels, which ought, as ſome defend, to be preferred before duties in all degrees: which ſenceleſſe

Paradox hath in effect dissolued all the ioints both of ciuill and diuine discipline.

THere is no doubt, but the ordinary exceptions of Cowardize, which the world takes to soft spirits, that put vp disgrace without running instantly into some sharpe course for vengeance, leaues very deepe impressions in the mindes of forward Gentlemen, that are not so sensitiue of smart, as fearefull of dishonor, considering how strictly all men that conuerse in the world, are bound to giue an account to the world for all their actions that are visible, and therfore without satisfaction vpon the proffer of offence, so farre as the point of reputation doeth vrge, it will be found almost impossible to stay the current of quarrelling. For by what ground of Iustice (to speake indifferently) can either a friend perswade, or a superiour command one that is wounded, either in his person, or his good name, to passe ouer the least imputation of discredit, as if it were but the biting of a flea, where Gentlemen cannot be satisfied, nor repaired

by

by any other meane: ſince many of the *French*, that are both iudicious and prouident, haue aſcribed the ſlight obſeruation, or rather the groſſe contempt of both their Soueraignes Edicts againſt Quarrels, and Single Fights, either hand to hand, or in ſet match, to the great haſte that was vſed by the State it ſelfe; in prohibiting them with vnſpeakeable ſeuerities, before that any courſe or order were ſet downe for reparation to the partie grieued or diſtempered in ſome ſuch meaſure as might bee thought to be ſutable.

THis hath bene likewiſe our chiefeſt motiue in forbearing to prohibite Quarrels, vpõ grieuous penalties, before We had commanded the Lords in Commiſsion for the office of *Earle Marſhal*, whom the wiſdom of precedent times held fitteſt to iudge matters of this kind, that touch Honor to the quick ſo carefully and preciſely to apply the pleaſing balme to the ſwelling ſore, the ſatisfactions to the ſmart, and the reparation to the diſgrace, as none might bee able to pre-

tend any colour of exception or complaint, but such as in their actions and oppositions, seeme rather to demonstrate wilfulnes, then to desire indifferencie.

IT is the part and Office of an vpright Iudge, that intends as well to heare with indifferencie, as to resolue by rule, to giue that satisfaction to men distressed, which the course of Iustice, and the qualitie of the wrong requires, though hee labour not vnprofitably, like an Empericke, to please humorous affections, which choller hath put out of taste, and which selfe-loue suspends from acknowledging the distractions and impressions of fantasie.

TWo speciall benefits may be expected by this course, which We take in publishing to the world Our constant purpose, to abolish vtterly all Challenges to fight in the field, that is, all single Fights in the field after Challenge in cold blood vpon preparation and set match, if it be possible, because these are the cuppingglasses that draw to the weakest

weakeſt parts of the Kingdome, as well as the ſtrongeſt, as many ſharpe humours, as there are occaſions ſpringing to ſtirre choller. The firſt is feare in a generalitie to giue offence by oppoſition vpon the conſideration of ſharpe puniſhments impoſed vnder Our hand and Seale. For many of Our Subiects that are thought to be moſt fierie, will forbeare to purſue perſonally the reuenge of euery word or acte, either truely grounded vpon iniury, or ſo conceiued at the leaſt, and apprehended according to that falſe figure, which malice is more likely to preſent, then indifferencie to examine. For howſoeuer paſsions in the proſecution of Quarrels, heretofore might be abidden and endured, with greater patience, whē reparation could not bee had by any fairer meane: yet one rule muſt hold from this time forward infallibly, conſidering the care and paine, which Wee in Our perſon take, to ſet all courſes ſtreight by the golden compaſſe of indifferent regard; that, *voluntariè peccantibus hoſtia non relinquitur.*

THe ſecond benefit is prouidence, in deuiſing meanes that are apt and proper to giue ſatisfaction for all kinds of offences, that touch honour in the leaſt degree betweene the ſeruants or Subiects of one powerful Soueraigne, that lookes as well to be obeyed, as honoured: For Princes may bee truely ſaid, to hold rather a ſhadow then a ſtrength of power, that leaue it in the Subiects libertie, either to skanne their directions, or to ſcorne their authoritie.

TOuching the firſt, which ſhewes both what We wiſh, and many want; it will appeare by rules prohibitory to good effect, as We conceiue, that no part of a Kings Office hath beene neglected or omitted in the reglement, that may either draw by ſweetneſſe, or driue by ſharpneſſe all degrees and rankes of Subiects as they ſtand affected, well or ill, to thoſe worthy ends of moderation which Our heart affects, propounding vnto all men water & fire, as God ſpeaketh in the letter of his owne Law; that as they chooſe, ſo they may ſpeed: ſo as wiſe-

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dome in his owne brood may bee euer iustified. The second tending more to the rate, of proportion in setting forth the *Shares* then in the weight of inhibition, by casting censure vpon contempts, when questions that touch credit come to be debated, with that freedome, which in point of iustice makes no difference betweene degrees, Wee leaue to be set downe at greater length, by the Lords in Commission for the *Marshals* Office, that no way be left vnsought, for the satisfaction of all mens minds, which either reason or right can satisfie.

IT is true, that whosoeuer will cut euenly vpon this nice quarrell, betweene tendernesse of reputation, and compassion of life, had neede to haue the same certaine aime in his luckie hand, that *Alcon* is affirmed by the Poets to haue had, when hee shot the Serpent deadly in the very head, without hurt to the child, that sucked in his breath. For to end a quarrell betweene two men of worth and valour, deepely grounded, and shrewdly festered, without disgrace or wrong to either

ther ſide, is aſwell an effect of skill, as an affection of deſire, conſidering how pettie circumſtances are ſufficient to put theſe clockes both out of temper & true motion, that are wound vp with the greateſt warineſſe. The Lords whom Wee haue formerly deputed to the care of theſe tickle points (which ſtand as much vpon diſcretion as right) are the fitteſt inſtruments both to ſearch with vnderſtanding, and reſolue by reaſon, in reſpect of their Honour by birth, their endeauour out of an infinite deſire to doe good, and their skill in the nature of the Subiect, which they take in hand, whereof many reconcilements made already betweene Gentlemen, and in caſes which were thought to preſſe ſomewhat heauily vpon narrow points affoorde very pregnant and cleare teſtimonie. Theſe vnderſtand the diſpoſitions of the perſons with whom they are to treate, the ſcope of Our intent, the rules of Our inſtruction, the nicetie of the worlds exceptions, and aboue all, the great hazard which they runne of their owne Honours, in caſe they ſhould for any cauſe endline to any motiue in their

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iudgement, which the grounds of Honour cannot iuſtifie. To this implicite faith in their ſinceritie, the skill, the worth, and values of thoſe worthy *Conſtables & Marſhals*, that ſit in the Court of *Chiualrie* in *France*, many of that nation haue aſcribed the continuance and conſtancie of agreements made by them; as if to doubt of ſo graue Oracles were an effect of ſacriledge: which mooues Vs the more confidently to expect the like proofe of the Miniſters which Wee depute, becauſe Honour, in all parts of *Europe*, wilbe euer like it ſelfe: wiſdome, temper, and integritie, produce ſutable effects, and experience armes induſtry.

BVt becauſe it is vnpoſsible that the Lords in Commiſsion, being all of Our Priuie Councel, and by conſequence, employed dayly in the publique ſeruice of the *State*, ſhould bee able in their perſons, without an Vbiquitie, to aſsiſt all treaties for agreement betweene Gentlemen in all places of the Kingdome that breed Quarrels, eſpecially thoſe that are fartheſt remote from the

common Center, which is, the Court: Wee thinke good to limit their labours and endeuours about matters of this kind; first, to the Court it selfe, then to the Citie of *London*, which is called *The Kings Chamber*, and then to the Counties adiacent, so farre only, as the space of twenty miles in length aud circuit doe extend, leauing all other Counties that are farther distant, to the charitable and honourable care of the Lords Lieutenants and their Deputies, who being furnished by the Lords in Commission, with certaine Copies of the same resolutions and rules, which they themselues obserue ordinarily within the limits of their owne precincts, may with greater satisfaction to Vs, ease to the Lords, the whole kingdome, and themselues, proceed correspondently: prouiding alwaies, that in case any Peere of the Kingdome, or any other Nobleman shall happen to bee one of those, with whom (by vertue of Our Order and Decree) there shal bee iust occasion to treate, the Lords Lieutenants faile not to send vp both that Lord, and his Opposite, to the Lords in Commis-

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sion, which are likewise Peeres, there to abide that iudgement, which to their discretions shall appeare indifferent and iust, vpon the view of the maine businesse, which ought with like equitie and sinceritie to bee aduertised.

CAre must be also taken in due time, that vpon the first notice of a Quarrell likely to proceed, either letters or messengers (as the qualitie of the place requires) bee sent with speed into those parts, wherein the parties interessed in the cause, are knowen either to dwell or reside for the greater part of the yeere; lest Malice, waxing bold vpon neglect, may preuaile by opportunitie. If the parties cannot be found, yet notice must be left in those places, with certaine intimation of the perill, into which the parties are likely to runne *in pœnam contumaciæ*, in case within the space of eight and twentie dayes next ensuing, (which giue time sufficient to come from the fartheſt part of *England*, though the Summons come to their knowledge, but at the second or third hand) they

appeare not in the place ſpecified. Beſide, Our will and pleaſure is, that by how much they ſhew themſelues to be more impatient and fiery during the time of this direction, by deuiſing meanes to fight, before the matter can bee heard, by ſo much more ought the Lords, vpon iuſt proofe made of a notorious contempt, to puniſh the ſame more remarkably.

THe charges of calling vp offendours to the proper touch, with ſundry other circumſtances, incident to a regular and formall courſe of proceeding vpon diſcouery, We thinke good to leaue to the diſcretion, and good conſideration of the Lords put in truſt, that vſing the ſame moderation which they doe commonly in ſending for ſuſpected perſons or offenders in other kinds, nothing bee done that may either grieue the Subiect, or giue libertie. The purpoſe of Our loue and tender care, ayming at the ſame equitie by preſeruing Subiects liues, which in ciuill courſes Iuſtice doeth, to preſerue their goods, cannot want lawfull meanes

meanes of execution in forme, but may bee furthered exceedingly by the diligence of discreete Officers, that in discharge of duue, bind themselues so farre to the literall instruction, as the maine scope of the Worke it selfe be not hindered: What further time soeuer shall be borrowed or assumed, by the persons that are sent for, aboue eight and twentie dayes in their comming, after notice left, (as hath bene specified before in the places of their ordinary reliance) must be cast by the Lords, &c. into the Censure of Contempt, lest otherwise our effectuall Iniunctions be drawen by wilfull custome into disgrace, and disgrace of publike order giue incouragement to stubburnesse.

BVt now becauſe We ſee, that all labours and endeauours wilbe loſt, if either Wee preſſe, or the Lords, &c. perſwade an ende without an offering, a peace without a price, or a free remiſsion without ſome ſuch kinde of ſatisfaction, as may remooue the cauſe, and qualifie the ſmart: ſome proteſting to their friends (affrighting them with the pe-

rill both of ſoule and body) with the Prophet, that they had rather *fall into the hands of God, then of man*; becauſe his mercie ſurmounts all his workes, though in very deed they ſecure themſelues from neither one nor other by this act: others hoping vpon grace and mercy at Our hands, when Iuſtice thunders, *Quia Reges Iſrael clementes ſunt*: and the greateſt part reſoluing peremptorily to aduenture all, rather then be poynted at in Courts and ſtreetes for Cowardize, in preferring formall terrours, before eternall ſhame. Before We come to touch the natures of the wrongs and iniuries themſelues, that implore both Iuſtice and Honor for redreſſe, it ſhall bee requiſite and ſutable to the methode of Our iuſt proceeding in all matters, that touch Reputation and Life, to beate downe that deſperate and accurſed *Paradoxe*, which comes more freely out of their mouthes, then Our coyne doeth out of the purſes of many Subiects in theſe dayes, that no kind of ſatisfaction without blood, can ſcoure out the foule ſtaynes of many wrongs; and that ſo many as eſteeme or

value Honour at a meane rate, may flatter their owne infirmities, and dance in the net of nouelty, to please the moods and humors of men, more inclined to saue Fortunes stake, then Honours rest; but neuer either remooue, or mooue other mens opinions, that had the true cause of fortitude. They know that many had wonne Honour by the losse of their liues, vpon this worthy ground, and those should bee the Saints, whose names they would insert, by limning them in red letters, into Honors *Callender*.

THey presse further, as it were by way of complaint, that although it were agreed by Gentlemen, that some such disgracefull word, as Knaue or Raskal: or some such disgracefull acte, as a blow with the hand, might be expiated by those ordinarie and propitiatorie meanes, which men of woorth and courage, as well as of capacitie and sense, haue both warranted, and duely put in practise in all forraine Courts and Campes, without exception or obloquie; howsoeuer such reprochfull words or deeds

are

are in theſelues extremely foule, yet the eye of Iuſtice here in *England*, vouchſafing not out of grauity to puniſh any other ſcandals, then thoſe that will beare action, nor any other blowes or ſtripes, then thoſe that breake bones, or giue maymes, with that ſeueritie, which the wound of reputation, & contempt of worth vntainted ſhould deſerue, leaues men free to proſecute the beſt wayes for amends that they can deuiſe, without offence to Honour, by their owne induſtry. To this, ſome adde for an excuſe of diſobedience to peaceable decrees, that the Countrey *Iurours* at the *Grand Aſsizes* are put in truſt with the weights of reparation by rating damages, as no more ſenſitiue of the vexations, which worthy mindes endure vpon reproachfull tearmes or actes, in reſpect of the groſſe element, wherin they haue bin bred or brought vp, then of the ſcratch of a bramble, or the pricking of a pinne in the brawnes of their hard hands, which are made hard by labour.

TO the firſt poynt it may be anſwered by any man that hath not drunke vp the very

very dregs of *Circes* her inchanted Cup, that *Nature* her selfe, whom *Philosophers* account the most indulgent Mother, in conseruing that faire of-spring which she brings to light, should rather be reputed *iniustissima nouerca*, a most wreakfull and wicked stepmother, in case she had ingrafted in mens hearts, a peremptory disposition to pursue their passions and violent impulsions with a bloody and implacable kinde of Reuenge, without giuing way to satisfaction in moderate degrees, since this execrable *paradox* dissolues all harmonie.

WHen God himselfe out of his gracious and eternall prouidence established his owne holy Law, as the purest touch by which all titles might bee tried, and reparations affoorded to all kindes of wrongs, whether they respected credite, libertie, or life; he likewise set down the proportiõs, that might euer keepe the great Beame of the Ballance streight, depriuing all men of that dangerous and audacious interest, which many would vsurpe, to the breach of Iustice,

and disturbance of the common peace, by adding out of passion what right admitteth not; and drawing desperatly the satisfaction for many wrongs, from the Barre to the Sword; which in cutting keepes no measure, & in that respect abhorred as an instrument of outrage, rather then a *Standard* of equity. But against that eternall Wisedome, it is no more possible for seduced iudgements, and infected humours to raise platformes of reuenge, according to the module of their erring aimes, then for a man to build against all the rules and principles of Geometry.

AGaine it must be vnderstood, that sober iudgements will preferre the streight rule, which is of vse for all men at all times, and vpon all occasions and accidents, before the crooked *Lesbian*, and leaden rule, which is euer subiect to inflection vpon phantasie. Princes ought to bee obserued in their directions, that Subiects may be supported with securitie. The voice of one Iuror is not sufficient to beare out a cause; nor the blinde conceit of one deprauing Cauiller, to coyne

principles.

principles. Woe be to that kingdom, wherein priuate persons, vnstayed by youth, vntaught by negligence, vnweighed by liberty, may carue out of their owne proportions according to the rage of humorous affections that dazle them. It is true, that God the Father in his Iustice tooke reuenge of our wilfull Sinnes, by a bloody stroke vpon his onely begotten Sonne, and our onely Sauiour; who for the redemption of all mankinde, *Idcirco crucifixus est, quia voluit.* But it is as true, that this cause was vniuersall, the stroke was iust, the iudgment ripe, the Iudge voyd of passion, the patient of contradiction. The date of pleasing God by bloody Offerings, is happily expired by the death of one, to deliuer all; which makes vs the more to maruell, that since *Christian* policy for the sparing of blood, brought in iust Lawes, that any man should banish Lawes, that blood may follow. The *Proctors* of this practise cannot with their Honours range all satisfactions for iniuries to the Court of Honour, though the Soueraigne command; but they can rayse a Court of *Chiualrie* within their

thoughts, to iuſtifie their paſsions and precipitations, both againſt Prince, and Gouernement.

EXamples are as full and pregnant in the point of ſatisfaction as grounds; for not only they which in former times haue bene eſteemed for their Valour, both in Courts and Campes, but the Writers of beſt iudgement, that haue handled this poynt moſt tenderly, and all the Courts of *Chiualrie* in forraine parts, that both conceiue the *Theorique*, and apply the *Practique* of this point more commendably, and with greater Honour and applauſe, then any that impugnes the rule; agree together vpon *axiome* infallible, that the malice of mans heart in giuing cauſe, cannot exceed the wiſdome of mens thoughts in affording remedy. What credit may bee giuen to thoſe that dare oppoſe their humour, which is paſsion, to the Iudgements and Decrees of many choyſe *Commanders*, in the greateſt actions, that are preſerued by Record, Let reaſon reſolue, if rage will not ſubmit; and Iuſtice puniſh, if

Cuſtome

Cuſtome quarrell? The rule that barreth ſatisfaction by any other meanes then bloud, or bloody ſtrokes, ſprang neuer out of any worthy mind, that rightly vnderſtood the true weight of contempt, and how vnpoſsible it is to maintaine ſociety or commerce in any kind of Gouernement, where the rates of ſatisfaction are reſerued to ſingular conceits, the ſword of execution is conueyed to priuate handes, and thoſe men ſhall bee thought to keepe the right meaſure, that will be bound to no meaſure.

TOuching the beſt meanes to raiſe the values in the rates of puniſhment, by *Iuries* at the *grand Aſsizes*, of many wrongs which the world holds to bee very weightie, and the Commons very ſleight, by conferring with Our graue and learned Iudges, Wee hope to worke ſome good and auaileable effect. For they both out of conſcience and care of the Common peace, hauing in their eye the great waſte which theſe bloody *Challenges* haue brought vpon the Kingdome within theſe few yeeres, by

the cutting downe not of trees, but of men, will vndoubtedly endeuour, ſo much as they are able, to cut off this current, that for the moſt part empties it ſelfe *in mare rubrum*, or to ſpeake more properly *in mare mortuum*: For though We are not deepely grounded in the knowledge of the Common Lawe, yet hauing heard that the Iudges in ſuch hurts as are ſubiect to their own eyes, may raiſe the damages which the *Iurie* giues, according to their owne diſcretion: As for example, if a *Iurie* ſhould allow but tenne groats ſatisfaction for the loſſe of an arme, or a limme, Wee doubt not but the Iudges finding alſo out of wiſdome, obſeruation and common ſenſe, how farre the poore and beggerly ſatiſfactions, which Iurors ordinarily giue, for thoſe wrongs which trench to the very quicke of Honour, in the iudgement and conſtruction of time preſent come ſhort of right value, will bee as willing to preuent a miſchiefe, as to cure a maladie. For ſince they ſee and feele more then the vulgar ſort, it is expected that their iudgments ſhould incline & reſolue accordingly.

Forſomuch

FOrſomuch as concernes our owne opinion, We muſt acknowledge, that in very deed Wee are of the minde, that howſoeuer ſome wilde perſons haue had, and ſometimes will haue their own courſe, though the wiſedome of Superiours apply the beſt defenſatiues they can deuiſe; yet many ſtaied, diſcreet, and worthy Gentlemen, that rather quarrell vpon neceſsitie to defend their reputations, then with deſire and delight to draw blood, haue runne their fortunes with greater force vpon the rock of hazard, in reſpect of the diſgrace, which they feele more that looke to Honour, then that liue by labour, for the reuenge of diſgrace, then if by the ſtate of ordinary Iuſtice, as things are conceiued now, they might haue beene reſpectiuely regarded, and condignely ſatiſfied. Much may bee done by the Iuſtices of Aſsiſe, either by raiſing the conceits of the meaner ſort of Subiects, or by tempering the demands of the greater, till the wiſdome of the Parliament, obſeruing tenderly vpon what feete this common miſchiefe doth march, may adde much to the weight of

thoſe

thoſe ſillie helpes, which being now in ordinarie vſe, in reſpect of weakeneſſe, doe rather giue diſpleaſure then ſlake choller. For in very deede, it is not the word that a man vtters, but the conſtruction which it carries; not the thunder clap, but the thunder bolt; not the paſsion, but the ſcorne; that giues the ſpeeding blow. Proportions muſt holde in all iuſt courſes of proceeding, aſwell touching perſons, as times; ſo as according to the qualitie and worth, aſwell of him that offers, as endures diſgrace of that qualitie, which the Lawes doe not expreſſely puniſh, errours hauing once beene brought to the perfect and true touch, in values of contempts, may bee either improoued, or qualified.

BVt foraſmuch as Wee foreſee, that many perſons of great worth, and of neceſſary vſe for the Common wealth, may either bee corrupted by the *Canker*, or cut off by the ſword of common Iuſtice, before the Parliament haue time and opportunitie to amend theſe errours, which are the ſeeds of calamities,

ties, beſides the brand of terrour which We ſet vpon the boldneſſe of contempt, as well premoniſhing thoſe that haue not offended, as puniſhing thoſe that haue, to binde all thoſe by whom theſe matters ſhall bee throughly examined and qualified to the mincing of proportions, ſo daintily and tenderly, for ſatiſfaction to theſe wrongs by word or deed, of which many are more ſenſitiue, then of the pangs of death, as they that are once brought to the fine, neede to make no kind of ſcruple or doubt of the recouery. If thoſe meanes then, which the Lords &c. ſhall warily and aduiſedly propound, be ſuch as Iuſtice doth atterre, Forraine Courts of Honour put in practiſe, and the Lords now in Commiſsion will auowe and warrant vpon their Honours to bee ſound, the forme of direction, which inſpires life to action, ſhall expreſſe, what difference, not only We, but Honour, Trueth and Reaſon, put betweene indifferencie and mutinie.

THe puniſhments which We reſolue vpon ſtrange motiues, and inducements

to inflict vpon head-strong Quarrellers, whom neither reason can containe, nor aduice disswade, nor authoritie reclaime from their inueterate and peremptory contempts, are not written like *Dracoes* Lawes in blood, nor suted to the seueritie vpon like occasions of forrain *States*, nor steeped in vineger. But howsoeuer Wee desire to worke Our ends at greatest ease, yet since We finde besides the greene pastures, wherein fantasie doth feede partiall conceits; but rough fallowes also, that will sooner weare proude affections, then a quick spurre vpon a plaine ground; it will perhappes appeare to those that are most hote, and hastie vpon the point of reuenge, by that time Wee haue supplied olde censures with new penalties, where the verie letter of the Law falls short, it had beene better for them to haue borne the rash imputations of greene wits, that will bee satisfied by nothing but the sworde, then the graue Iudgements of Superious, that in comparison of the preiudice, which the common peace of the Kingdome may sustaine by conniuencie, (in case these braue-

ries

ries were permitted to passe freely, without check or opposition) make small account of those high figures that are fained out of fantasie.

THe frequencie of *Frayes* falling out daily with greater mischiefe to the Commonwealth, then the *Thunder-bolts*, which as the Poets obserue wel, affright more then they kil, declares how little good is wrought by ordinary proceedings against Quarrels, which are onely vsed as it were of course. It may be that sharper ingredients may sooner heale old Vlcers: *Diagredion* will worke when *Manna* failes; malice may bee tempered, but it cannot be more inflamed: And as a wise man hath obserued pertinently to this point, *Quos non dirigit amor, timor corriget.*

THe skil of gouernment doth more consist in preuenting harmes, *Ne omnino contingant*, then in taxing them *Postquam contigerint*. For though both cautions be equally expedient in their degrees to the

policie of *State*, yet the forecasting part doeth best expresse the iudgement, care and industrie of the person that commands; and experience doeth further proue, that effects of rigour without preparations by wit, like the bubbles which *Vespasian* beheld in *Nilus*, are more windie then durable.

WEe therefore desiring and intending to cut off the causes of such Quarrels as disturbe the peace and quiet of the land, by the benefit whereof, the Subiect sits happily vnder the shade of his owne trees, pressing many brables to sharpe trials by the sword, that might easily haue beene heard, and ended by a safer meane, doe first obserue out of experience, that the very naturall and kindly seeds of quarrels, commonly brought to the bloodie issue, are such iniuries, as purposely, and not by chance or accident, touch the person or the reputation of one that stands confidently in the defence of his owne worth, branching from this bitter root, into as many sundry kinds and heads, as the ordinary cõuersation of commerce of

Subiects

Subiects to this waightie Crowne, are able to affoord grounds and motiues of diſcontenſe.

WEe are not ignorant how ſutable and proper it is to the Maieſtie and prerogatiue of Kings, that acknowledge no Superiour but God only, to direct and command what is expedient for time preſent, out of the grounds of their iudgements, without asking voyces, or affoording ſpecial reaſons for the care of euery inconuenience that may occurre: for otherwiſe it might happen oftentimes that the fault would be committed before the prohibition were ſent, & the miſchiefe done, before the penaltie were knowen: ſo as *Ipſa Reſpublica aliquid caperet detrimenti*, the maine State of the Commonwealth it ſelfe ſhould ſuſtaine ſome preiudice. The Subiects are preſumed to haue put the Soueraignes in truſt at their firſt Election, and their Succeſſors, with the care of ſtopping any preſent miſchiefe that is likely to breake out, before the three States of the Kingdome can be either formally aſ-

ſembled, or take leaſure to conſult. But yet We haue beene pleaſed for a better earneſt and impreſt of Our owne gracious intent, to ſatisfie the moſt curious conceits of thoſe that take pleaſure to thread Quarrels into mites, to ſet downe ſeuerall Corrections and Chaſtiſements for theſe Offences that breed Quarrels moſt abundantly in theſe carping dayes, as reaſon may bee rather thought to haue beene Our Guide, then Paſsion Our Solicitor.

TOuching the maine point, it is euident that Wrongs, which are the grounds of Quarrels, are either *Verball*; that is, when one Gentleman accuſeth another of ſome diſhoneſt fact, or giues the Lye: or *Reall*, vnder which Head may bee compriſed, Blowes, Stripes, or Hurts in all degrees, though they differ in proportion; and beſide all ſcornefull lookes, actes, or figures, that imply contempt, all Libels publiſhed in any ſort to the diſgrace of any Gentleman, or any perſon, whom that Gentleman is bound in credite to defend, as himſelfe: for

all these trench as deepely into reputation, as the stabbe it selfe doeth into a man that esteemes Honour.

WEe acknowledge with the learned in the Ciuill Law, that the world containes more things then can bee fitted with proper termes, and doe likewise hold it a thing almost vnpossible to applie to euery ground of quarrell betweene Gentlemen, a certaine & particular receit for cure in that particular offence: The best course will bee first to prouide for those that chiefly fal into the practise of the time, leauing the generalitie of occurrents and accidents, to that rule of reason, which applies it selfe most aptly and agreeably to all formes and figures.

VErball wrongs expressed by reprochfull termes, whether they be spoken to the parties face, that is depraued, or behinde his backe, breed ill conceits in standers by, besides the deepe disgrace, which hee sustaines by foule aspersions vpon faire grounds. For by this meane all men may bee robbed of

that

that reputation, which as a *Birth-right* they brought with them into the world, and cannot forfait nor forgoe, without ſome acte done by themſelues vnworthily. The words or termes by which men may receaue diſgrace, are in number too many, and in nature too different, to be compriſed in a Liſt: but this rule neither faileth in the point of ſcandall, nor the proofe of ſcorne, that wherinſoeuer reputation is agreeued, though it be but in the weight of one graine, it ought to be repaired, and as much reſtored, as hath beene diminiſhed.

WEe therefore, whom it chiefly concernes to bruiſe the ſeedes of *Quarrels* in the bud, before they come to beare thoſe bitter fruits that are euer gathered in ſtormes, and are contented to value motiues of this nature, rather as they are eſteemed in reſpect of Honour, then as by their lawfull weight they are in deed, doe charge and command, Firſt, the Lords in Commiſsion, and then the Lords Lieutenants and their Deputies in their ſeuerall Precincts,

cincts, That so soone as they can take notice of any such reprochfull teame let slip, as in likelihood, without preuention, may raise a Quarrell betweene persons sensible of iniurie, and tender of their good names, they commit the partie thus offending, either to his owne house or chamber, only in respect of disobedience to Our prohibition; leauing him beside to the discretion of the Lords Commissioners; for so much as belongs to the parties satisfaction that was wounded by this discourtesie, according to the rules and formes, which vpon like occasions, aswell within Our Kingdome, as in forraine *States* are vsuall, before he be set at full libertie. For it is true, that this small instrument the *Tongue*, in the body of a man, being kept in tune by the wrest of awe, preuents many fearefull accidents that are apt to spring out of neglect of discipline.

WEe holde not any man excusable in this case, that offers to make proofe of that aspersion, which he casteth vpon another mans reputation in rage: for bee the

matter true or false, it cannot be denied, that this maner of *proceeding* leaues a deepe impression, before due proofe bee made. That *Sophist* was not sufferable in the Commonwealth of *Athens*, that held it lawfull for an enemie at all times, *Criminari audacter vt aliquid hæreat*; and Reason prouides remedies for those onely that are reasonable. Either the matter deserues not to be spoken of at all in any sort, because it is vntrue; or not in this sort, because it is turbulent. For nothing flies more swiftly, nothing sticks more deepely, nothing spreads more widely, then the slanders that emblemish any mans good name; and which is worst of all, though *Conscience* and *Trueth* presse any man that is *Religious*, to confesse an errour when the fault is found, yet lies it not in him to purge the scandalous impression of other mens *conceits*; which, betweene the time of Errour and acknowledgement, finde a large space wherein to multiply. But Our end is, to suppresse these *motiues* to contention, which are vrged as iust grounds of the pretended Libertie.

The

The first foule word, vpon which the quarrell is begunne, whether the answere leape at the first bound to the lye, or a blow bee dealt, and that blow produce a Challenge, or choler breake abruptly into Challenge at the very first, as it happens oftentimes, because the property of distemper is to confound all dealings, and put custome out of tune, ought to be punished both for it selfe, and in it selfe *ab origine*. The *Saxons* laid a fine of fiue shillings, as appeares by Antiquitie, vpon euery one, that vnciuilly misgreeted his countreyman. In *Spaine vn hombre dislinguado*, a man that vseth ill language, out of the libertie or the looseneſſe, according to his ranke, is either whipped in the open ſtreetes, or ſent to the Gallies, or (holding the part of a Gentleman) called to the next barre of publike Iuſtice, to the place of complaint for this inhumanitie. Beſide, it is very worthy obſeruation, that the king of *Spaine* doth neuer remit the penaltie ſet downe for ſatiſfaction, to the wrong that any Gentleman receiues to diſhonour. The firſt reprochfull tearme, *quod*

dat esse pugne, which giues the very life and beeing to a Quarrell, at this day is rayſed both in *France*, and in the Archdukes Dominions, to ſo high a rate, when Originals come to be examined, as in comparion of thoſe, Our cenſures are reconciled to bee but Flea-bitings. Theſe ſharpe wayes of proceeding, bring foorth one notable effect, that rarely in fewe yeeres a man ſhall heare in *Spaine*, of the paſſing of any ſuch reproachfull word or accuſation betweene perſons of good ſort, that may prouoke them to theſe perſonall reuenges, that are worthily prohibited.

TOuching the ſecond branch of *verball* iniuries compriſed vnder the giuing of the Lye, though We are not ignorant, that among the *Romanes*, that are worthily reputed the pureſt and beſt Interpreters of all words that originally are drawen from themſelues, the Lye was thought to bee no other then an earneſt negation of a bold affirmation, as may appeare by that the *Senators* themſelues did often, as their owne

Hiſto-

Histories declare, interchange this tearme without displeasure; as a word of course. Though malice it selfe hath beene forced to corrupt the very nature of the word, by making this *mentiri*, and *contra mentem ire*, to bee one; as if it were not enough to bee vnmanerly, vnlesse he were in like sort an hypocrite: Though the lye it selfe admit qualification in sundrie cases, and vpon very pregnant circumstances, according to the grounds of the *Duellors* themselues, which the Lordes in Commission doe distinguish properly: Though Snakes may be couched in mens bosomes without hazzard, if their teeth bee first plucked out: yet, since the word hath wrought it selfe, partly by error, and partly by time, into that conceit of horrour, which mooues Gentlemen well borne, rather to endure the racke, then the reproch; We likewise giuing way to the powerfull current of prescription, haue beene pleased in Our punishments, to ranke this with the highest *verball* wrongs; expecting till time, warned and reformed by meane accidents, for so much as concernes the pro-

pertie and nature of the word it ſelfe, weare out that high creſt, that is rayſed vpon impreſsions of credulitie.

WHerefore leauing the Lords in Commiſsion, &c. to the beſt vſe of their owne diſcreete endeauours, in deuiſing meanes to ſatisfie the party that is wounded by the giuing of the Lye: Our pleaſure is, that, to repaire the wrong done to Our place and power by this Contempt, whoſoeuer ſtandes conuicted thereof in the preſence of the Commiſsioners, the Lordes Lieutenants, or their Deputies, by proofe ſufficient, be preſently committed to priſon; and that he be not ſuffered to depart out of durance, before he ſhall acknowledge, both an errour in his iudgement, and a breach in duetie, in vpbraiding any man with that vnciuill tearme, which Our tender caution hath very ſharpely prohibited. Hee ſhall alſo aske forgiueneſſe of his fault, in preſence of the Lords &c. and renounce that intereſt, which men claime in theſe daies, in righting themſelues by the fury of the Sword, when

Iuſtice,

Iuſtice, either *Marſhal*, or *Ciuill*, or both, prouides with ſo great tenderneſſe for their indemnitie. The ſcope of *Honour* is not to retaine the reputation of another perſon in our hand, by ſeeking to recouer lawfully what is our owne. *Iuſtice* abhorres oddes, and *Nature* herſelfe, holding the beame of the Ballance ſtreight and vpright, as the *Philoſophers* affirme, *Maximè lætatur æqualibus*. This duetie being yeelded to the publique *Iuſtice* of the *Kingdome*, which aſwell *Ordine* as *Poteſtate*, ought to precede all priuate ends, the Lords may worke hard mettals into ciuill formes at greater eaſe, after the fire of correction hath made them pliant to the ſtroke of the hammer, the wheeles wil be put in order, that were abſolutely out of frame; & they that decide the point, weighing carefully and preciſely, not by pounds, but by graines, the motiue of the diſtemper, may better vnderſtand with what abatement or aduantage to repay the principall.

TOuching the firſt branch of actuall offences by Blowes with the hand, Stripes

with

with a rod, Bruises with a cudgell, stabbes with a Dagger, or hurts with a Rapier, Our purpose is out of the sense of Honour, to extend Our punishment as far aboue those ordinary degrees, which are now in vse, as the facts themselues exceede all humanity. For though the differences betweene greater and lesser occasions and motiues cannot bee denied, and the *Ciuilians* distinguish by their Lawes betweene Blowes that smart, or smart not; yet since that forme holdes a Gentleman well borne, and suitably behaued, worthy the chastisement of a dog, this onely respect ought to bee preferred to the smart that is felt by the senses.

WHerefore, though Our purpose be, as hath beene specified, to leaue proportions and degrees of satisfaction for wrongs to the caution and temper of the Lordes, when they come to reconcile the parties vpon conditions that are at warre; yet apprehending how great hazard may growe by these disgracefull actes to the State it selfe, so often as they light vpon persons that are

powerfull

powerfull in their owne Countries, ſtrong in partie and alliance, or employed in charge, in caſe the Quarrell ſpread by taking holde of affections that are ſutable; calling to mind alſo the combuſtion of many forrain States vpon the like occaſions, either neglected or countenanced, We reſolue in this offence by blowes, as in the other cõming vpon words, to puniſh the breach of Order before wrongs to reputation, which is to ſeeke a lawfull and iuſt remedie, when Contempts haue bene duely conſidered, and cenſured.

OVr pleaſure therefore is, that all offenders in this kinde, that ſhall be conuicted orderly before the Lordes, the Lieutenants, &c. either by the ſtrength of Witneſſes, or by their owne confeſsion, of ſtriking haſtily for any other cauſe, then their owne defence vpon aſſault, ſhall inſtantly, and before the Lordes take any courſe for reconcilement of them, be committed to priſon; to the end, that during this time of breathing and reſpiring, they may learne, that Princes remit not actions of preſump-

tion and contempt at the will of their Subiects, that are oftentimes as easily appeased, as they were at the first causelesly kindled.

IT mooues Vs little, that so many as are rash and violent in the prosecution of reuenge, would holde the time to bee tedious and long, for so slight a fault as this is reckoned and esteemed among them. For it is proper to Delinquents in all kindes, to complaine of Iustice, and exclaime, like *Hercules* in fury, against the heauinesse of a correcting hand: but Our scope beeing rather to preserue life then please conceit; & to suppresse outrage, that sets the sharpest edge vpon the first aduantage, We resolue both to taxe and to touch accordingly.

OVr pleasure likewise is, that, in case the partie thus prouoking and offending, neuer were of the Commission of the peace, before the fact committed, he be peremptorily disabled from being put in for the space of seuen yeeres next ensuing, vpon notice, both

both of the Conuiction, and the *Kings* implicite pleasure, deliuered by the Lords once for all, to the Lord *Chancellour* for the time being: but if at the time of the Contempt he were of the *Peace*, vpon like notice from the Lords, let him be remoued and put out instantly.

FVrthermore, all persons thus committed and disgraced, in the end of their Restraint shall not be set free, before they haue acknowledged their offence at the *Councill Board*, for breaking the *Kings* Ordinance, notwithstanding any colour of regarding their owne credite more then Life, that custome or construction can pretend for their indempnitie. For first they strike those, whom by no lawfull right they can commaund: They brand a *Gentleman* in the forehead with a marke of shame, that cannot be easily repaired, as a word that passeth with the wind: They prouoke anger aboue patience: They stop the course of common *Iustice*, that deales equally with all: They take the *Sword* out of Our hand; They fore-

ſtall by outrage the vſuall and lawfull meane for recouerie.

THis *Striker* ſhall condemne vnder his owne hand, before hee be ſuffered to depart out of reſtraint, that ſaucie *Paradox*, which giues liberty to *Gentlemen* with their owne *Swords* to reuenge wrongs done to themſelues. He ſhall further promiſe ſolemnly before the Lords, neuer to offend vpon the like occaſion, in the like contempt. Hee ſhall be bound to the good Behauiour during the ſpace of the next ſixe Moneths that enſue, and during the ſame terme likewiſe abſtaine from Our *Court*, and from all places where the *Queene* our deareſt *Spouſe*, and the *Prince* Our deareſt *Sonne* ſhall happen to reſide. For it is true that *Palaces* of this qualitie, ſhould rather ſerue for ſo many *Sanctuaries* to diſtreſſed *Subiects* that endure wrong, then receptacles or retraits for perſons of vnſtayed iudgement, that offer it. Laſt of all, Wee leaue the perſon that was hurt or ſtricken, to the benefit of his Action of *Batterie* at the *Common Law*, with a meã-

meaning, that Our Censures be reputed rather *cumulatiue*, then *priuatiue*, of any lawful helpe that *Iustice* yeelds, vnlesse the Lords can deuise by their discretion at the cleansing of the wound, to purge all motiues that may cause it by succeeding accidents, (that rancle and renue) to breake out againe.

MOreouer, though it be true, that the trip of a foot, the thrust of an elbow, the making with the mouth or hand an vnciuill signe, doe neither bruise the bone, nor maime the parts; yet, since the malice, the disgrace, and scorne in these things doe so farre exceed, the fact it selfe (expressing the base reckoning, which they that offer these contempts, make of the person vpon which they braue them,) is to be taxed and corrected by the Lords vpon like termes, and with like seueritie: presuming, that when they, that are most apt to inueigh against all kinds of correction that stay passion, tearming bold offences pettie trespasses, to this end onely, that they may keepe euer in their owne hand a dispensation to deale blowes

at their owne pleaſure, without any checke as they liſt, ſhall finde the ſame Proportions and courſes of proceeding to be put in practiſe at this day in forraine *Courts*, they wil confeſſe, that neither Our *directions* can be oppoſed without contempt, nor their poſitions granted without *Anarchie*.

THus hauing laboured and endeuoured with all induſtry and prouidence to preuent the bloody *execution* of endleſſe malice in the Field, by giuing timely ſatisfaction to the motiues and occaſions, by reprochfull words, by the groſſe terme of the Lie it ſelfe (as in our daies it is in vſe) by blowes, ſtripes, ſtabbes, hurts, bruiſes, libels, diſgracefull ſignes, &c. which commonly produce the greateſt Quarrels of the time; ſo as from hencefoorth, neither Our part for *diſcouragement*, nor that which appertaineth to the diligence and vnderſtanding of the Lords for *reconcilement*, can bee wanting for an end of Quarrels, as they happen to breake foorth: It now remaines, that Wee proceed with like caution and tendernes, to the ſuppreſsion

preſsion of all bloodie Challenges, to ſingle Fights into the field, the fatall center, vpon which the lines of paſsion and leuitie, without due circumſpection and care doe light. For thus we ſhall be better armed, and prepared to make anſwere in the dreadfull day at the higeſt barre, and before the higheſt Iudge, *Vbi neminem vel Craſſi accuſabit inuidia, vel Antonij defendet eloquentia.*

HOw abſurd a *Paradox* it is, to ſuffer Subiects, that are borne to their Prince and countrey more then to themſelues, and haue no right of intereſt to diſpoſe ſo much as of their owne liues, which is leſſe then to call vp their fellowes to the ſword without leaue, to make their own elections thus abſolute within the *Spheare* of limited and confined ſcopes; the *Philoſophers* themſelues haue beſt expreſſed in the figure of a Camp, which *Pari in parem imperium non dat*, which giues to no man any right or intereſt aboue thoſe that are equall in the ſame degree, nor ſo much freedome as to ſhift a ſtanding, or to conteſt with an Oppoſite.

The

THe grounds aſwell of Natural, as of Legall Iuſtice, are found euer to be equally and vniformly vpon this certaine point, that ſatisfaction be ſutable in weight & meaſure to the wrong, whereof the party grieued, finds iuſt cauſe and reaſon to complaine, but if wee ſee that this proportion cannot poſſibly be kept, where ſwords cut out ſatisfactiō by rage, & not by rule; it followes that theſe Challenges agree neither with the Iuſtice which the Lawes of Nature, nor Lawes poſitiue preſcribe; and therefore it were good to marke what compaſſe carries them. For fantaſie encouraged by paſsion, and ſwayed by precipitation, cannot bee properly compared with the Signe of *Libra* in the *Zodiacke*, which, as the Skarfe and Cincture of the world, diuides not, as the other doth, by Degrees equally.

IT is true that in peſtilent and contagious Feuers, they that profeſſe Phiſicke, hold it ſometimes neceſſary for the cooling and clearing of the blood, to open the Liuer vaine, euen *ad animi deliquium* to the fainting

of

of the Spirits, as they may doe without danger or offence, so long as they may stop the current when they will. But the case is harder where the blood issues by the pinte, not by the ounce, and more often, *Donec effluat, quam deficiat anima*. *Nero* made such a desperate experiment vpon learned *Seneca* his owne faithfull and worthy Schoolemaster. But it is certaine now, that beside the satisfaction which our *onely Saviour* yeelded by the price inestimable of His owne Blood for His *Fathers wrath*, beside a second kinde of satisfaction which the Lawe takes to the Iustice of it selfe, by which the Subiect liues, and the satisfaction which the sicke Patient desires in hote diseases for abatement of distemper, Iustice treateth of no other remedie nor kinde, neither can any man that takes blood by any other course, ende his life, as *Balam* wished, *Morte iustorum*, or deuise, *Vt sint nouissima illius horum similia*. Wherfore since it is certain, that *Sanguis clamat*, Blood cryes, let all those, that desire so feruently the keeping of this vent open by the piercing of a veine, assure themselues,

that either in their own time their owne perſons, or in ſucceeding times their off-ſpring, or in that time which is beyond that which the *Greeks* call *Paulo poſt futurum*, (without a cordiall and true repentance) ſhall pay for it.

THe *Duellors* apprehending out of Wit, together with the feare (wherein they liue) of eternall Wrath, for killing men in ſuch a manner, as Gods holy Lawes abhorre, and yet aduiſing all men, that are once ingaged in a Quarrell, to giue ouer before they drawe blood, trauerſe the maine poynt, by aduiſing all Gentlemen, that meet with the enemy by appoyntment in the Field, by drawing of their Swords, to fall downe humbly vpon their knees, and proteſt earneſtly to God, that deſire to defend Honor, rather then to kil, hath drawen them to this deſperate extremitie, which would make *Heraclitus* laugh, that neuer laughed in his life before, in caſe he were an eye witneſſe of the ſucceſſe that followes. For ſuppoſing that a man out of awe and feare of iudgement, at the firſt ſhould fight ſo warily,

rily, as the ſtandets by might imagine a deſire rather to hurt lightly then to kill, ſeeking to receiue cleare ſatisfaction by weight and meaſure, for the wrong which he receiued, and no more: but as the fight goes forward, malice increaſing by the preſſure of reuenge, nature mooving all men betwene two deſperate extremes, to ſpeede another, rather then to be ſped by another: and no meane courſe comming into choice betweene deſire of killing, and prouiſionall regard not to bee killed; thirſt of reuenge drinkes vp the former vowe of abſtinence, *Charitas ordinaria a ſeipſa incipit*, and the curſe of *Tomyris* is commonly the ſcope of deſires and endeauours on both ſides, *vt ſe ſanguine ſatient.*

THe point which ſeemeth moſt abſurd, is a flat impoſsibilitie for him that aduentures Soule and Body, to atchieue his owne ende by this act. For howſoeuer it be daily ſeene, that vpon a queſtion of fact, one Gentleman that is accuſed of vntrueth, calls another into the field of ſet purpoſe to cleare

the charge, yet no touch can bee more deceitfull in this triall then the Sword, since he that is most cleare doeth often perish. For GOD, whose Iudgements, actions and purposes are inscrutable, will not bee tied like mortall men to secondary meanes: and this age ought to follow Reasons, without respect to Miracles. GOD may, when it shall seeme good to his heauenly wisedome in defence of Trueth, support weake *Dauid* against *Philistim*, but hereof neither rule nor certaintie can be set down. For by ordinarie experience it happens, that the strongest limmes, the cleanest breath, the greatest skill, the fittest meanes, are instruments of Victorie, howsoeuer the true state of the cause in question be right or wrong: because it holds not *Ratione causæ & effecti*, with those effects that follow.

WHerefore, leauing to the Lordes in Commission all satisfactions for braueries in pressing *Challenges*, for so much as concernes the reconciling and compounding part, according to the measure that hath

hath bene kept in other things before, according to the reasons and proportions of their owne Rules, Our purpose is to proceed orderly with the deterring and correcting part, which properly belongeth to Our *Regall prouidence*, leauing the Lords as before, to the best vse that may be made by their discretions and obseruations, according to the matter, after circumstances haue bene throughly examined and ripped vp by degrees, till the sending or performing of the *Challenge* it selfe, which highly wrongs both the Common Iustice of the *State*, and Vs. For by the Rule of GODS eternall Law, satisfaction to priuate quarrels and exceptions, comes after punishment.

FOr triall of the maine point, after Gentlemen haue agreed to try the Quarrell by their Swords in the Field, it is considerable whether both of them bee slaine or neither. For in euery one of these, the diuersitie of Degrees drawes in likewise a great difference betweene the courses that are to be

obſerued by the Lords, and their Deputies. Touching the partie ſlaine after *Challenge* in cold blood by ſingle Fight, in deſpite of Our decree, or in caſe the match conſiſt of many, touching all thoſe that are ſlaine, Our part is onely to leaue them to the Iuſtice or Mercy of their *Eternall Iudge*; who knowing beſt the ſecrets of mens thoughts, the diſpoſitions of their mindes, and the qualitie of their repentances, whether they were cordiall out of the root of Loue, or ſeruile out of the ground of Feare, according to the depth of his *Diuine Wiſedome*, can beſt diſtinguiſh of the diuerſitie. Though it be true, that GODS Mercies ſurmount all his Workes, yet it is as true, that *In quo ſtatu quiſque moritur in eodem iudicabitur*, and likewiſe one may aſwell preſume too much, as feare too much, according to the meaſure of their owne affections, and the Iudgement which they make without a warrant. This onely Wee command, That vnleſſe ſufficient proofe bee made by witneſſes, in the behalfe of thoſe that in the Quarrell happen to be ſlaine, firſt for their

true

true contrition in respect of their offence to GOD, and then of their Religious Charitie in forgiuing him that did the deed, they be interred in no Church, Chappell, nor Churchyard. For to speake trueth, What reason hath the *Spouse* of *Christ*, to receiue into her bosome those vnkinde sonnes after they are dead, that in this life scorned her directions, *Et pugnauerunt contra illam*, and fought against Her, as she complaineth out of the very griefe and vexation of vnkindnesse in the *Canticles*.

THe partie that kils, if he escape with Life out of the Field, shall be brought by a course of Ordinarie proceeding, without dispensation or conniuencie to the *Common Barre* for triall of the Fact, and for a greater discouragement of all men that preferre their passions to Ciuill dueties. We doe likewise protest and promise vpon the word of a King, That We will neuer by the strength and vertue of Our *Royall prerogatiue*, grant to any such offender, any pardon for his life, or any Lease for life, nor any other kind of

grace

grace or fauour, that may put Aduenturers into the leaſt hope of life, breaking all bonds of *Iuſtice* and Ciuill conuerſation thus wilfully. For howſoeuer ſome out of their paſſion and pride, will not confeſſe that kind of ſlaughter to be *Wilfull Murther*, that is committed after the *Challenge* hath bene ſent in cold blood, without either treacherous aduantage, or indirect proceeding in the Field; Yet all Lawes both *Diuine* and *Humane* reſolue otherwiſe, ſo often as Life is deſtroyed, both in that maner, and by ſuch a miniſter as cannot bee iuſtified. The right which *Iuſtice* affoords to men that being hardly and extremely preſſed, oftentimes kill others in their owne defence, auailes not *Challengers* that ſeeke Quarrels out of a kind of luſtineſſe. For acts done in this maner, differ no leſſe in condition and kinde from others, which inſtant danger, and deſire rather to repell then to offer wrong extorts, then conſideration from paſsion, choiſe from conſtraint, and neceſsitie from temeritie.

The

THe late *French* King, finding the names of many thousands of his Subiects in a bloudie List, that had bene slaine since the peace of *Veruine*, in single fight after these braving *Challenges*, acknowledged his owne facilitie in granting pardons for these murthers, to haue beene a great cause of encouraging animositie, with hope of impunitie. For what crime dare not men in passion attempt or vndertake, while Iustice sleepes, and Princes wincke? And hereupon that sharpe *Edict* was published, that put a great deale of water into their wine, and by seueritie suppressed rage. For to forbeare a *nocent* is an effect of as great iniustice, as to punish an *innocent*. The life of him that kils, by GODS owne Lawe must suffer. Princes ought not to blesse those whom GOD doth curse. Iustice setteth snares for the feete of men that are swift in shedding bloud, and pietie hath well obserued, That those Kings haue seldome beene brought drie to their graues, that in sparing wilfull murthers, haue affected to bee counted mercifull. For

this is that *crudelitas parcens* which no Religious conſcience can iuſtifie.

THoſe ſeruants of Ours, that by the right of their places offer Pardons oftentimes vnder the pretext of *Man-ſlaughter* to be ſigned by Our hand, can beſt witneſſe with what curioſitie and tenderneſſe of conſcience We ſeeke to be enformed of the true ſtate of the cauſe, for feare leſt murther might be masked vnder cunning vailes: becauſe outrage is ſometimes eſteemed fortitude, and *Philoſophers* obſerue rightly, *Vicina eſſe vitia virtutibus*. They know with what miſtruſt and iealouſie We draw backe Our hand, before Our conſcience be certified by the report of thoſe Iuſtices before whom the maine cauſe was tryed. They are likewiſe acquainted vvith Our exceptions to Pardons of all ſorts of Offenders, recommended by Certificates and hands, before the *delinquent* haue receiued Triall by the ordinarie courſe of Lawe. For ſuch is the boldnes of many ſhifters in theſe dayes, as to redeeme the life of an Allie, a friend or

ſeruant

ſeruant in deſpite of Iuſtice, pietie, and conſcience, they ſticke not to aduenture Soules and reputations, as We haue reaſon to feare vpon all ſuch occaſions, leſt Our good meaning bee abuſed in the right ſcope of Our clemencie.

BY two meanes onely it is poſſible for a Gentleman, that hath ſlaine his enemy by fight hand to hand in the Field, to eſcape the fatall Sentence of death inflicted by the Iuſtice of the Law: That is, either by Our *Royall Pardon*, or by the practiſe of his owne friends, and allies, in corrupting the pure fountaines of Iuſtice it ſelfe in their heades and originals, by their ſlie trickes and intermedlings. Wherefore as to the firſt, Wee haue proteſted, what by GODS grace We will faithfully and vnchangeably performe, leauing all delinquents in this high Degree, to the ſtrict letter of the Law, with this adiunct, That whoſoeuer ſues for any ſuch, ſhall taſte of Our diſpleaſure, as the qualitie of the preſumption deſerues; ſo doe Wee likewiſe charge all thoſe of Our Priuy Coun-

cell, of Our Nobilitie, all attendants on Our *Royall Person* by Offices in Ordinary, or otherwise, & all other Subiects of whatsoeuer quality or rancke, to abstaine from pressing Vs for the Pardons of such hie Delinquents, as Gods law draggeth from the very hornes of the *Altar* to the place of execution, without distinguishing the poynts that touch reputation, from other motiues of Offences that breed enmitie.

IT standeth Vs in hand, with speedy expedition and resolution, to make vp this breach of Iustice, which hath beene long a very perillous In-let to the losse of many gallant Gentlemen, whose liues in actions (more worthy of their hazard) would haue bene of greater vse to the Common wealth: Since it is cleare, that many haue aduentured too farre vpon secret confidence in the credite of some persons deepely interessed in Our gracious conceite, making therein Our clemencie, to bee rather a receptacle for malefactours, then a scourge of inhumanitie. But these are not the bladders that can

make

make men swimme that haue heauy heads. For they will find from this time forward, that their aymes will erre, their hopes will quaile, those which they account to bee their surest Anchors will come short home; and that for those that shall bee found to haue offended in this kind after fortie daies, beginning from the publication of Our pleasure, *tanquam voluntariè percutientes hostia non erit reliqua*. Vpon this resolution, Wee haue hereby engaged Our word, which is the word of a King, constant both to His Honour and His Promise; holding it more honourable, more iust, and safe, both for the Soueraigne and Subiect, to brand offenders in the forehead with the Character of implacable indignation, whom neither Religion towards God, nor obedience to Lawes and Magistrates, can bound within the limits of humanity, leauing the blood of offenders on their owne heades, then by default or negligence to drawe the wrath of God vpon Vs and Our Posteritie: bee sure the Iustice of God will be satisfied.

THus hauing put all persons that presume too farre vpon causlesse clemency, from their surest holde; Our next care must bee to prouide, that practise in the Counties, by the sleights and trickes of instruments, suborned by the friends and allies of the delinquent; drawen into danger of the Law by his owne bloody fact, worke not the wished effect in close couerts, before the cause come to bee tried orderly. For were not these inuentions cut off by the carefull watch, Wee resolue to set vpon combinations and conspiracies, a great let and impediment would arise, to the disturbance of that iust and lawfull course, that agrees best both with Our end, and Our Honour.

IT fals out in experience, that so often as a Gentleman that is well allied, or any person of a meane tancke and qualitie well fauoured, doeth kill a man in single fight (as they call it) Fairely, because it is done without treachery, and after a Challenge sent aduisedly, and in cold blood; some kinsman, neere allie, or wel-affected friend to the par-

tie,

tie, that is after to bee brought in question for the fact it selfe; vpon the first notice of the manner, being powerfull in the Countie, procures a speedy meeting of certaine Gentlemen his owne friends and allies, and such sometimes as are also in Commission of the peace, in some place adiacent: Hereupon, an enditement of man-slaughter *in se defendendo* must bee drawen, and likewise found by the silly *Coroners* inquest, of purpose to suppresse all bruits of murder, that are caried ouer all the Kingdome vpon the wings of the wind, before the case be rightly vnderstood, the witnesses examined, the reasons euenly poized, or the friends and allies of the partie slaine brought foorth, and heard for the stronger euidence.

IF then a Pardon may be compassed vpon this ouerture, by the colour of the *Coroners* inquest, before any further inquisition be made, together with a faire Certificate vnder the hands of some Gentlemen, or Iustices of the peace, that the party had bene euer holden and reputed of a very good behauiour,

hatiour before this accident, that he stands deepely grieued with his owne misfortune, and did rather seeke to shunne the Quarrell, then prouoke his enemie, so farre as with his reputation hee might: the pursuite is at an end, and hee that sped thus luckily by strong assistance in the first attempt, in hope to speed as well by like assistance in the next, will aduenture with greater confidence. For either Princes, that for want of an Vbiquitie, see by the eyes, and obserue by the iudgements of ministers subordinate, must suspect those, whom in absence they put in trust, or sometimes drawen by wrongfull informations, cleare those that deserue to bee condemned; and condemne others, that deserue to be iustified.

BVt if it happen by the neere approch of the *Grand Assizes*, that the time of open triall come before the Pardon can finde opportunitie to passe, yet must the Certificate serue for a leading Motiue to the *Grand Iury*, with many other secret Motiues, touching the Delinquents sober disposition, as hath

beene

bene ſpecified before, and the haſtineſſe of the defunct impreſsing and prouoking that occaſion that bred the Tragedie. Some Preſidents of Pardons granted vpon like occaſions are kept in ſtore, to draw the *Iurors* diſpoſitions & affections to fauour life: Friends, Allies, Tenants, & al ſorts of Inſtrumẽts are hudled together at the very pinch, to ſpare the man: ſo as in concluſion, that which the Lawes of the Kingdome hold to bee wilfull Murder, muſt paſſe for Manſlaughter: The Murderer muſt be reputed the moſt honeſt man: Matters are conceaued, as offendours are fauoured: Fooliſh Pitie weighes downe pious Charitie: Greatneſſe is made a maske for Guiltineſſe, and they that dare not take holde of Hornets, catch Butterflies: The diſcharge of one offendor, is the Warrant of one hundred raſh aduenturers. If God be potent, where is his Honour? If Princes lawfull, where is their regiment? If Subiects ſeruiceable, where is their obedience? if Lawes indifferent, where is their execution? The leaſt gratuitie conueyed in a good houre into the cloſe fiſt of

an *Vnderſheriffe*, ſtrikes the bargaine dead: And Wee haue likewiſe heard, that ſome *Iudges* in times paſt, not out of baſe corruption, but in feare to be reputed as ſharpe and rigorous in poynt of life, haue bene content at ſome time, for the ſparing of an offendor at the Barre, to make vſe of ſome of theſe excuſes, which at another time they would haue deemed to be, as in deed they are, both deluſory, and impertinent.

SInce then Our louing Subiects apprehend, how hard it was for Vs at Our firſt comming to the Crowne, to deſcrie theſe errours by Our owne eyes without light; and how hard it would bee at this inſtant, without ten yeres experience, to make them plaine; they cannot wonder, that the paſsions and practiſes of men, blinded with their owne inordinate deſires, haue ſometimes found wayes to paſſe without either checke to diſcountenance, or correction to terrifie. But time that ripens ſecret ſores to inciſion, hauing brought this courſe of working and combining to diſcouery, awakes our beſt endeuours

deuours to reforme, and affords to Our iuſt, graue, and learned Iudges, an aduantage for the bringing of all offendors in this kinde more roundly to their anſwere, by ſtopping vp in time thoſe ſecret holes and Earths that were wont to couer them.

FOr helpe herein, Wee charge and commaund ſo many of Our louing Subiects, as are intereſſed in the truſt and care of conſeruing Peace, that in all Counties, Corporations, and Liberties, wherein any murther happens vpon a *Challenge* ſent to Fight in the Field hand to hand, or by match and partie, as it ſhall fall out; they ſeeke foorthwith to enforme themſelues as carefully and preciſely as they can deuiſe, of all deuices, trickes, ſubornations, practiſes, and ſhifts, as are daily put in practiſe for ſauing the liues of perſons that play cunningly vpon the packe: adding hereunto for their better vnderſtanding, all ſuch leading motiues, and importing circumſtances, as may make the right ſtate of the cauſe it ſelfe to bee more euident. For by this courſe, a cleare ſepara-

tion will bee made betweene the ſcope of Iuſtice, and the drift of deuiſe: Proceeding will be better guided in the proofe of Single Combates, then before: Subiects will prepare themſelues, before the comming of the Iudges in their Circuits, to truſt leſſe vpon Protection, and more vpon Innocencie: And We, that reſolue certainely from this time forward, vpon no recommendation or ſuite, to ſigne any Pardons before Legall trials paſſe, ſhall find iuſt cauſe, either worthily to commend, or ſeuerely to puniſh the corruptions of inferiour Miniſters, to whom ſeruices ſubordinate in the preſeruation of Peace doe properly belong, when the world ſhall both diſcerne and confeſſe, that *Nihil tam occultum, quod non reuelabitur.*

TO ſet the clocke more roundly forward, and vpon certaine wheeles, Wee doe further command all Our Iuſtices of *Aſsize*, which like faithfull Watchmen, and truſtie *Stewards*, take account of all actions that (concerning the right execution of Iuſtice) haue paſſed in their abſence in thoſe parts, that

that at their comming down they faile not, as they will answere to God for their conscience, to Vs for their dueties, and to the world for their reputations, to examine all grounds of Enditements with a single eye, and to keepe one eare alwayes open, without regard of persons or of qualities, to the complaints and iust exceptions of as many of our louing Subiects, as shall tender their agrieuances vpon the ground of this crying sinne, out of the griefe and anguish of their soules. Moreouer, that they forget not in those Charges which they giue vpon the *Bench*, to stirre vp the best endeauours of Our louing Subiects in Our name, and expressly from Our owne mouth, to enforme duetifully, as becomes them, and without feare, as they shall haue cause, against all Quarrellers that infringe the Peace: Againe, that calling earnestly for the full Euidence, they see the same pressed home to the full point, without suppressing, colouring, or blanching the whole, or any part. That they set secret Spies vpon *Embraceors*, and ply the *Coroners* so narrowly in their slie conniuen-

ces, as vpon iuſt cauſe they may bee ſifted, and vpon detection notoriouſly and exemplarily puniſhed. For malice finding by theſe euident effects, that ſhe is had in chaſe, will eaſily conclude, how vnpoſsible it will bee from hencefoorth, either to ſhrowd, or countenance her ſelfe vnder the protection of potencie.

WEe doe further expect, that the ſaid Iuſtices in their publike charges vpon the Bench, ſhall impreſſe in the Subiects minds, a fearefull horrour of GODS iudgements, that light heauily vpon all men, whoſe hands are ready, and their feete ſwift in ſhedding blood vpon ſuch particular and lightly grounded Quarrels, as the courſe of ordinary Iuſtice would compound, in caſe that way were taken, without any ſtripe, hurt, or maime; and therewithall acquaint the Kingdome with Our vnchangeable reſolution, neither to pardon the life of any man that kils vpon challenge into the Field, whoſoeuer intercede; nor countenance, or grace any man, though he doe but meet another

other with a drawen Sword in the field vpon agreement, though hee doe not kill; and how grieuously Wee censure those weake mindes, that rather out of folly, then humanitie, are apt to pitie, where Law doeth punish. For as Wee purpose not to adde any thing to the sharpenesse of that punishment which is now in vse: So doe Wee likewise resolue, so to ballance Our course of proceeding, as no graine bee scanted or abated of the rigour which is due, hauing euer in Our eye, the true scope of Iustice, that sets life at the same price, which the Lawes of the kingdome doe put on it.

THe *Iurors* must be animated and fortified against the proud lookes, and heauy threats of powerful persons, which beare themselues aboue their equalles with the bladders of ambition, and hold it a greater Honour in the protection of a deare friend, a seruant or allie, to crosse the course of Iustice, in the places of their owne abode, then to command a Corporation: All Free-holders must bee likewise charged in all matters

that

that touch life, to relye rather vpon the Iuſtice of the Kingdome, then the Combinations of friends; beleeuing confidently, that none of theſe croſſe courſes ſhall be further warranted and approued in Our iudgment, then they ground themſelues vpon legalty.

IF *Iuries* may bee kept in awe by counſell and aduiſe, the labour may be thought to haue beene luckily vndergone, that brings foorth ſo peaceable and moderate effects: if not, yet becauſe it auaileth little toward the reformation of any ſcandalous corruption, to publiſh orders for amendement, where no penalties are preſcribed againſt contempt; Wee held it requiſite to charge Our Iuſtices of *Aſſize* in a high degree, and as they will anſwere at the latter day, that ſo often as they diſcouer any plot of embracerie, for the preſeruation of thoſe liues after ſlaughter, which by Iuſtice deſerue to bee loſt, they will proceede directly, without caſting any eye of preiudice or partiall affection to either ſide, and bind the *Iurors* thus offending to appearance in the Starre-chamber,

ber, where they ſhall finde iuſt Iudges readie both to reproue for inſtruction, and to chaſtice for example, whatſoeuer hath bene deuiſed or done diſorderly.

THus farre Our care hath beene extended, to the preuention of all plots, that men wel friended, and allied in all the Counties of the Kingdome, may ſet in hand by ſtirring inſtruments, to preſerue the liues of bloody offenders, of whoſe crimes the lawes themſelues are ready to take ſure hold. For certainely the greater part would ſhrinke at the ſight of the ciuill ſword, and be wary and well aduiſed, before aduenturing to drawe their owne againſt ſuch perſons, as the Iuſtice of the Kingdome values for their worth, if they were not confident in theſe ſlie trickes, which are kept in ſtore for a ſure lift in a caſe of extremitie.

BVt if it happen that both parties, after meeting vpon Challenge in cold blood, returne aliue out of the field, though generallie we may obſerue, that neither the prin-

cipals themſelues, that went of purpoſe, to make good their agreement, nor the Seconds that in a ſort aſsiſt, are puniſhed by any ordinary courſe (which ſlackeneſſe rather multiplies offenders, then cuts off offences) yet Our purpoſe is without regarde of iſſues or euents, to puniſh very ſharpely and ſeuerely the preſumption it ſelfe, in ſeeking either by the ſending, or accepting of a Challenge, to reuenge that out of paſsion, which Iuſtice would examine and correct, with greater indifferencie. For thus We ſhall diſcourage them from taking holde of Bulruſhes in deepe pooles, when the ſtrength of their owne arme faileth them. To holde this maner of proceeding to be ſharpe, were both vnciuill and abſurde, conſidering how many wilfull murders happen in this Kingdome daily, for want of awfull obedience to authoritie. For deepe wounds cannot bee ſearched with ſhallow inſtruments. It is as hard to make thoſe that are diſorderly, to confeſſe, as to forbeare a fault, and they deſerue leaſt to be conſulted about the proportion of the puniſhment, that are moſt audacious

cious in defending the liberty of *Challenging*.

WHoſoeuer therefore ſhall preſume, as it were in deſpite of Lawes and Magiſtrates, after the ſpace of 40. dayes, to beginne *excluſiue* from this Publication of Our will and pleaſure, either to ſend any *Challenge*, or to declare a voluntarie acceptance of the *Challenge* that is ſent, whereby Our Subiects may bee drawne to Triall by the *Sword* for their liues in the *Field*: Our pleaſure is, that he or they, as numbers hit, be firſt committed to ſome priſon, knowne and vſed in the Countie for the reſtraint of *Malefactours*, that they may learne at good leaſure to repent with ſorrow, what was committed with temeritie. The puniſhments preſcribed againſt reprochfull *Quarrellours* and *ſtrikers*, with prouiſionall regard and tender care, ſhall be added in like maner *cumulatiue*, to the cenſure of theſe *Challenges* in cold blood, as the wreckfull executions of all paſsions that thoſe preparatorie meanes and outrages haue kindled. They ſhall moreouer bee ſuſpended for the

ſpace of ſeuen yeeres compleat, without hope of forgiueneſſe during that prefixed time, not onely from Our Court, but likewiſe from all places, wherein the Queene Our deareſt *Spouſe*, or the Prince Our deareſt *Sonne* reſide, that it may bee found more eaſie for the Sea to brooke a dead carcaſe, then the Court a quarreller. Moreouer Wee intend, that during the terme of this ſuſpenſion and ſeparation, aſwell from Our preſence, as from the Court, all Offices, all perſonall Attendances, and the diſcharges of all dueties, that belong either to Our *Perſon*, or the ſeruice of Our Court, ſhall ceaſe by conſequence, that hereby greater care may be created in the lookers on, to flie and eſchew by their beſt endeuours, the forerunning cauſes of ſo many miſeries.

BEſide, although We purpoſe not to depriue any of Our Seruants, or any of Our Subiects of the Fees or Penſions, which they receiue by warrant of Our *Broad Seale*, becauſe the Lawes and Statutes haue not

as

as yet brought these audacious contempts within the compasse of Forfeiture by Law; Yet are Wee resolute to make the price of this contempt as heauie to the *Challenger*, and *Answerer*, as We can deuise, by calling backe all Graunts, depending meerely on Our pleasure; holding it more reasonable to reward an humble Subiect with the iust abatement of a Creast, that neither vnderstands, nor will be taught the right way to submit; then to leaue Offenders in too great pride of their owne happinesse.

BY how much Wee declare Our selues to be more compassionate and cautious, in forbearing to punish those, that offend wilfully, and after prohibitions published, by prouoking Quarrels, or sending *Challenges*, by Life, Lands or Goods, which are the ordinary meanes of chastisement in forraine parts; by so much Wee haue greater reason and iuster cause, to pinch as hardly in those points that onely touch their humours and affections, as Wee can, lest the slightnesse of proceeding, bring the course

it ſelfe into contempt, vvhich Wee tooke in hand for the *Kingdomes* ſtrength, and the Subiects ſecuritie: Wherefore, beſide the *Penalties* expreſſed in that which goes before, not with the quill of an *Oſtrich* vvhich may bow, but as the *Prophet* ſpeakes, *vngue Adamantino*, which cannot breake; We doe further binde Our purpoſe, *verbo Regio*, by the word of a King, That during the ſeuen yeeres *Suſpenſion* formerly decreed, both from Our *Preſence* and Our *Court*, Wee will neuer vſe or imploy any Gentlemen, &c. in *Peace* or *Warre*, at home or abroad, directly or indirectly in Our *Affaires*: Wee will neuer beſtow on them the leaſt fruit or effect of Our Grace and fauour, in Land, Leaſe, Penſion, or by Letters commendatorie, to their aduantage in the leaſt degree, nor repute them other then as ſeare and fruitleſſe branches, cut off from the body of the *Vine*, and made thereby vncapable both of Suſtenance and Support, by which the members of all bodies, aſwell *Naturall*, as *Oeconomicall* and Politicke, both ſubſiſt and flouriſh.

Moreouer,

MOreouer, becauſe it is obſerued by all wiſe men in theſe dayes, That how grieuous ſoeuer Penalties may ſeeme, that are layed either vpon the Perſons, or the Purſes of Our Subiects (once infected with vaine-glory to the very coare,) yet they neither worke Repentance or remorſe in themſelues, nor caution in thoſe that ſhould take warning, vnleſſe the Plumes of pride bee blaſted by ſome kinde of acknowledgement of error, in the foot and circumſtances of the fact it ſelfe: becauſe many in deſpite of countermaunds, hold all men to die rather Martyrs then Malefactors, that are ſlaine (as they terme it) in a faire maner, that is, after a *Challenge* ſent and accepted by agreement to fight in the Fielde. Our will and pleaſure is, That no perſons, that haue beene once committed vpon this contempt, be releaſed of reſtraint, before they haue confeſſed vnder their owne hands, a groſſe errour in the iudgement of all ſorts of men, wronging Honour aſmuch as Duetie, that ſeeke to reuenge Iniuries, either truely apprehended, or ſuſpiciouſly imagined by

their

their owne Act; when both the *Court of Honour*, and other *Ciuill Courts*, make offer of due satisfaction, when Subiects orderly resort to them.

BEside, since it is euident, that the brauerie of Challengers desiring to be obserued and admired for their courage, pressing Quarrels hastily to triall by the sword, spurres many faster to the pursuite of reuenge, then the qualitie of the pretended cause deserues; Wee hold it very iust to depriue all actuall Offendors of that vsual and ordinarie libertie, (which all Gentlemen enioy in the nature of a birth-right) to weare swords and daggers, to the end that men according to the right and equitie of Gods owne lawe, may be punished in the same kind, wherein the first offence was giuen; and that the sonnes of *Adam*, aswell as *Adam* himselfe, *Libertate malè vtendo eam amittant.* They that seeme to bee worst affected to the quenching of this flame with milke, can neither ascribe this limitation to nouelties nor seueritie, the times of former Princes

Our

Our Progenitors, abounding with examples of like proofe, and the lawes of God himselfe setting markes of warning vpon those hurtfull creatures, that are naturally apt to doe mischiefe, beeing left to the best vse of the waies, which they desire to take for satisfaction to furie.

VPon this fit occasion, Wee may commend the binding of all men to their good behauiour, that, after fighting vpon Challenge, happen to returne aliue out of the field, for sixe moneths at the least. For as the plagues that hang vpon this censure, are both many, and those very heauy; so doth the qualitie of the contempt deserue them all, mooving busie fellowes that are giddie, rash, and inconsiderate, to bee well aduised, what the lighting will be on the other side, before they leape, and how much better, and more secure it is, to preuent hazard by caution, then to procure forgiuenesse by acknowledgement.

SOme care ought likewise to bee had, in subiecting Challengers, and acceptors of

all Challenges that are ſent vpon aduiſement, and in cold blood, aſwell to cenſures of the Soule, as to checkes of inſolence: And for this reſpect, Wee purpoſe (by Gods grace) to mooue Our *Archbiſhops* and *Biſhops*, about a generall Excommunication to be publiſhed againſt all perſons, that dare preſume to put life in queſtion by the purſuite of priuate reuenge by ſingle fight in the field; ſince all Lawes, aſwell thoſe that looke to Honour, as touch Propertie, finde ſatisfaction vpon more certaine principles. For God, refuſing to accept an offering at the hand of any man, that is not reconciled to an enemie, before he offer vp the gift, hath taught the graue and learned *Biſhops*, with what temper to proceed vpon theſe grounds, beſide the *Canons* of ſome Councels that aſsiſt their charitie.

THus farre Wee hold it requiſite, to extend Our prouiſionall and tender care for the ſafetie of Our Subiects, ſince Wee touch the life or limme of no man, to make an aſſay, whether many perſons of good

woorth,

woorth, finding how malignantly the most powerfull Planets are affected to these fingle fights, will not be more affrighted with these wearing punishments, which, like a creeping feuer, eate the very marrow of the bones, and reforme with leasure; then with the sodaine stroke of death it selfe, that ends all tortures in the turning of an eye. For more diseases are cured by good diet, then by letting blood, *& minùs timentur quæ citò perimunt.*

BVt if any, seeking to contriue a mischief, by defrauding the true purpose and meaning of the Lawe, conceiue idlely, that one Gentleman running at another, when they meete either in the fields or streetes, as if it were by chance, ought to bee freed of those heauy censures, which all Lawes in the world inflict vpon those, that first challenge in cold blood, and after kill in fury; because the malice cannot bee said to haue beene prepensed, where the chance was vnexpected; they shalbe taught, how farre they wander both frō the Lawes intention,

and Our end. For as no man is presumed, without some certaine precedent grudge or quarrell, to runne madly at another with a mischieuous intent, remaining in his wits; so when *Time*, which the *Poets* tearme, the *Mother of Trueth*, shall bring those occasions to light, that bred the heart-burning, by witnesses, examinations, discoueries, or any ordinarie meane, the ground & motiue of that rencounter will then bee laid open euidently, howsoeuer caution and cunning seeke to succour it selfe against all extremities. Sure We are, that malice is the cause, both of formall Chalenges, and of rash rencounters, whatsoeuer bee pretended vpon feare of Legall seueritie: and therefore it were strange, if the wisedome of the Iudges could not as easily lay these secret hookes bare, as hypocrisie can couer them. If any thing fall out to make the matter darke or doubtfull, whether the rencounter happen meerely vpon accident, or with some mixture of precedent grudge, the construction ought in reason to be caried in the hardest sense, for the Rencounterers, that seeke out

of

of pride or obstinacie, to robbe the seate of Iustice of her right, in affoording satisfaction to all rankes and degrees, according to the merit of the motiue, and as it shall seeme to craue greater effects of seuerity or clemency.

THe most desperate inuention of all others, to free men from the sentence of the Law, that kill after the sending and accepting of Challenges in colde blood, proceedes from the craft of some, that agree to fight in forraine parts, where the *Kings* Writ runnes not, neither can the Lawes of the kingdom take hold of any Subiect outward bound, though the *Romanes* perhaps would haue thought it strange, both in the time of their faire flourishing and happy Commonwealth; and after likewise during the reigne of the first potent *Emperours*, that the life of any Subiect, taken by another Subiect wrongfully, in whatsoeuer quarter of the world, should not bee awfully accompted for. This reason might perhaps moue the *States* of *Brabant*, before the dutifull admittance of Duke *Iohn* to bee their Lord in the

right of his wife, to bind him by oath, neuer to ſpare the life of any Subiect in that *State*, that ſhould kill another in the Field, though the acte were done in a forraine Gouernement. It may likwiſe bee the reaſon why the Lord *Segraue*, as appeareth vpon record, attempting onely to paſſe ouer into *France* from *Douer*, for the performance of a priuate Quarrell, was condemned *Iudicio Parium*, by the iudgement of his Peeres: as if he had preferred by this act, the Iuſtice of a forraine Country before his owne. Vpon like equitie ſtands that Acte, by which all Appeales that concerned things done without the Realme, were drawen in the time of *Henry* the fourth, into the *Conſtables* and *Marſhals* Court within the Realme. *France* proſecutes all men without compaſsion, that agree to ende their priuate Quarrels in forraine parts. In *Spaine* the lands and goods of all men that kill after an agreement, to ſatisfie themſelues by Single Combats vpon Challenge in forraine parts, are inſtantly ſeazed into the Kings poſſeſsion by his Officer, though the principals doe not returne;

and

and ſo many of their Allies, Seruants, or Friendes, as ſhall by further inquiſition bee conuinced of priuity to the plot, ſhalbe fined and impriſoned.

WE therefore, finding out of Our owne Iudgement, and experience, how deſperatly the whole body of the Kingdome may be enfeebled, and by conſequence endangered, by ſuffering ſo great a quantitie of Blood, and, as it happens ſometimes, of the pureſt and beſt of the Land, to be let out inceſſantly, in caſe the *Vena mediana*, branching into many Generous and noble parts, that hath ſo large and wide an *Orifice*, ſhould bee ſtill kept open for a vent of violence, reſolued to ſupply the ſlackneſſe of the Lawes of *England* (as Wee did then conceiue) in puniſhing theſe Slaughters, vpon agreement to fight in *Forraine parts*, by the ſharpeſt Cenſures and corrections, that We could poſsibly deuiſe by vertue of Our high Prerogatiue, till further order might be taken, to make Subiects more afraid of their deluſorie Stratagems, to defraud the ſcope

and

and purpoſe of the Law, which hath the ſafetie of the *Subiects* life in that regard, which is due aſwell to Common ſecuritie, as to Charitie.

BVt hauing lately vnderſtood by conference with Our learned Iudges vpon this point, that though there can be no proceeding by *the Common Law*, againſt one *Subiect* that hath ſlaine another by agreement vpon *Challenge* to fight in forraine parts; yet by appeale, ſo often as it ſhall pleaſe Vs to appoint a *Conſtable* and *Marſhall* of *England*, but for the preſent onely, both to heare and to adiudge the cauſe, the partie thus offending may bee condemned in that *Court* to death; (as by an Acte of *Parliament* made in the firſt yeere of King *Henry the fourth* is euident,) We doe hereby warne Our louing and faithfull *Subiects*, that they bee carefull not to put themſelues vpon the danger of the Law from henceforth, vpon hope of former impunitie, taking onely from the time of this *Proclamation* publiſhed, allowance of ſo much ſpace

as

as may ſerue to giue notice of Our pleaſure to all thoſe that ſhall bee queſtioned vpon the point. For We proteſt and promiſe two things in the word of a Religious and iuſt King, That Wee will not onely for the preſent vſe, ſo often as this accident ſhall chance, appoint a *Conſtable* and *Marſhall* for that time onely, to heare and adiudge all matters of this kinde: But beſides, abſtaine from remitting and forgiuing that ſharpe Iudgement, which the Lawes of the Land impoſe vpon Offenders thus condemned, and accordingly to bee executed. It may ſuffice for ſatisfaction to duetifull and well deſeruing *Subiects*, that they haue bene thus reſpectiuely premoniſhed of perils incident. For in this caſe Ignorance cannot excuſe. If hereafter, either out of obſtinacie in error, or confidence in Protection, they runne into the ſame hazard wilfully and *precipitately*, that others haue done in former times, let them blame their owne preſumption, and not Our *Reſolution*, which in a Caſe, that ſo neerely concernes the *Kingdomes* ſafetie, and the *Subiects* life, reſolue to proceed in

thatmanner, and with that rigour, which all Lawes inflict, and the State of time present finds to be neceſſary.

IN excuſe of Seconds, it is ſaid by ſome, that they were onely brought in as vſefull inſtruments to paire weapons, to ſearch bodies, to depart the *Combatants* vpon equall tearmes, to ſuppreſſe aduantage vpon either ſide, and to ſee faire play: yet ſince the Fight it ſelfe is abſolutely bad in it ſelfe, it is not poſsible for any acte aſsiſting, or abetting, whatſoeuer cloud be caſt vpon a tender eye, to bee iuſt, or in a matter of this weight to warrant acceſſaries, when We taxe the principall. Theſe Seconds in very deed, to make the beſt of them, are onely ſtout Aſsiſtants to bad ends: their faireſt actions are but formall preparations: their excuſes are but ſhadowes: though they ſee the ſinner, yet they runne with him. If wee marke well, their labours and endeuours are of little vſe: For whatſoeuer be expected of their Humanitie, their Charitie and Care, yet whoſoeuer vndertakes to moderate men in fight,

will

will not forbeare, either vpon the sight of blood, or the sence of smart, to rush desperately vpon extremities. These Seconds might perhaps serue better to some ende, in case the prosecution of priuate Quarrels by the Sword, were first admitted and approoued by any *Prince* or *State*: But since they shrinke that should bee the Supports and Stayes, it is not strange, that *Sublato Principali, omnia cadant accessoria*: Betweene an Actor therefore and an Abettor, the difference cannot bee great, howsoeuer malice may be masked vnder false couers.

WEe finde by the moderne vse of *France*, of the *Archdukes* Dominions, and many *States* in *Italy*, that the Carriers of *Challenges*, and they that bring backe answeres and acceptances, are both condemned and punished in a very high degree, vpon a violent presumption, that they either blow the coale, or endeuour not to quench the fire, as they ought. For weake beginnings, where care may be timely taken, haue speedie ends. Wee doe therefore lay the

ſame proportion of puniſhment vpon the *Seconds*, the *Carriers*, and *Entercommoners*, that We do vpon the *Principals* themſelues, in hope that Gentlemen giuen ouer, as it were in a fit of a feuer, to the violence of their owne vntemperate deſire, will bee ſooner brought to deteſt and abhorre the falſhood of the ſpectacle, that deceiues their eye, when they ſhall ſee how little grace and fauour is beſtowed vpon the Complices that ſhall ſtrike to them, and diſcerne the ſhallowneſſe of thoſe impreſsions that haue no better foundation then fury.

IN many places men runne hazards of their reputations, that couer the beginnings of hote Quarrels, that might eaſily bee tempered, in caſe they were diſcreetly taken vp vpon diſcouerie, before they ranne too farre; and not without iuſt cauſe. For by the Ciuill Lawes themſelues, men are conceiued to aduance and further a miſchiefe, which there is a poſsibilitie to preuent: And therefore Wee would haue Our louing Subiects apprehend, with what miſliko and horrour

We ſhall euer iudge of thoſe corrupted and putrified affections, that either out of delight in blood-ſhed, or ſlouth in ſeruice, or feare to croſſe the priuate humour of a friend in paſsion, forbeare to bend their beſt endeauours for preuention of bloodſhed or murder, by a reaſonable and diſcreet remedie.

BVt becauſe it is a more eaſie labour to repaire wrongs, after they haue once beene opened to Iudges competent, as for example, to the Lords in Commiſsion for the Office of *Earle Marſhall*, who by the Honour of their blood, the frequencie of examinations, and the equitie of their rules, are beſt able to conceaue the true ſtate of the cauſe, then in a world ſo cautiouſly, and reſeruedly enclined to the couering and concealing of their friends intention to fight, to draw them to the proper touch for triall, before the Sword begin to play: Wee charge all perſons, of whatſoeuer ranke or qualitie, which are preſent in the place where a Quarrell firſt beginnes, that vpon paine of Our high diſpleaſure, they

first apply their best perswasions and endeauours, to the taking of the ground of the contention away, and the reconcilement of the parties mindes if it be possible; if not, to call in with all expedition an Officer of the Peace, that may bring the matter before the Lords in Commission, before it be too farre exasperated and enuenomed.

IT shall not serue any man for an excuse to say, that he was not present, but receiued notice at the second or third hand; because the opening of a bloodie purpose and intent may giue ease at any time, and conscience it selfe will throb, to call to mind, in case murder should ensue, that a purpose onely fixed, without any acte engaged, might easily haue beene cut off, in case the best meanes had beene vsed, before it were too late to call for an euen measure.

THe better to bring Quarrels to discouerie, when they begin first to worke, it is obserued, that not onely in the common Ordinaries, to which Gentlemen doe vsu-

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ally resort, but sometimes also in the Tennis Courts, in bowling Allies, Dicing houses, and all houses of game, questions sometimes vpon a cast, sometimes vpon distemper in losse, vpon refusall to lend vpon importunitie to be paid, vpon termes of comparison, and words of exception, vpon as many contingents, as places of that nature breed vexations and contradictions.

FOr remedie whereof, Wee doe straitly charge and command, First Our owne Groome-porter, and then all other keepers of gaming houses, of Tennis courts, and bowling Allies, vpon paine of Our high displeasure, beside three Moneths commitment & suspension of their power, to keepe houses of resort to that end, for the space of three whole yeeres at the least, that instantly vpon the giuing of any reproachful word, or passing any blow betweene Gentlemen, that are likelie to seeke a sharpe reuenge by the sword, in some place more priuate, their first care bee to take the weapons of the persons kindled with rage, if it may be, the next

to

to keepe them in ſunder till ſome Officer of the Peace be brought into the place to command in Our name, till the Quarrell comming to the hearing of the Lords in Commiſsion, may receiue a ſharper cenſure, or a better ſatisfaction, as they in their graue Iudgements ſhall finde, both the perſons to deſerue, and the cauſe to be conſiderable.

THe ground of ſo great ſharpeneſſe and ſeueritie in proceeding againſt all publike keepers of theſe publike places of reſort, is drawne not onely from a likelihood in view; but in effect from a certaintie in experience, that howſoeuer houſholders themſelues may oftentimes excuſe their abſence vpon incident affaires, yet thoſe ſeruants that ordinarily keepe the boxe, that are euer readie to deliuer balles and rackets, that bring bowles, and carry meaſures, that are often truſted with the ſtakes & pawnes, that are admitted witneſſes of all points in fact, and ordinary iudges of all queſtions in play, that perfectly know euery Gentleman that frequents their Maſters houſe, ſhould

be

be absent at the beginning of many Quarrels, which are made vncumable by default of discouerie. Beside, We make no doubt, that Masters, finding that their fortunes must pay for their seruants faults, and that those Quarrels which are not ended within priuate walles, breake out with great rage, both into fields and streetes, will bee more cautious in making choice of such, as may secure them from penaltie.

THe common vse and custome of those, in deprauing all directions and ordinances, that tend to the suppression of priuate Quarrels, be they neuer so indifferent and iust, if in the least degree they crosse the current of their owne inordinate desires, expressing hereby rather an humour to contest with Magistracie, then to submit to moderation, mooues Vs the more carefully to checke this boldnesse in the lower Region, before it giue checke to intelligences, that are most powerfull in the Spheares of sublimitie.

IF any therefore shall presume sawcily, after publike notice hath beene taken of Our pleasure, published by word or writing, vpon delight in Quarrels, or ostentation of pride, priuatly or publikely, in iest or earnest, to contest or argue against the punishments and censures, which Wee haue very iustly, and yet fauourably set vpon these peremptorie contempts, in deprauing, disgracing, striking, challenging, &c. Our purpose is, to hold him euer after a professed enemie both to Our Iustice and ends, and to exclude him, without hope of mitigation or satisfaction (as one that loues his own Peacockes plumes more then the State) from all future grace in any kind, that either the fauour of a King, or the bountie of a Master can conferre on him.

WE haue already published by Proclamation, Our high displeasure against certaine persons of vnstayed affections, that so soone as they find themselues crossed by any interuening occasion of their blood-thirstie and reuenging appetite

for

for destruction, either of themselues, or of their partie in the field, presently set forth a writing to be published to the world, which can bee no other then a Proclamation or Edict as farre as lies in them, thereby either shifting, or excusing their former slowneſſe, or accusing their partie for not duely meeting them in their prepostterous haste, to their owne ruines.

HErein Wee obserue three great and maine *Offences*; one against both God and Vs, that they dare presume to set downe to the world without shame, their owne *vindicatiue* and bloody humor vpon so vniust a ground. For no Quarrell of any *Subiects* can be lawfull, except in defence of their Prince or Countrey, the reuenge of all priuate wrongs onely belonging to Vs vnder God, into whose hand hee hath put the sword for that purpose. The next is, their offence against Vs, in daring to presume so farre vpon Our especiall Prerogatiue, as to take vpon them to make any publication of their pleasure, the power whereof is onely

in Vs. The third and laſt is, that thereby a new ſeede of Quarrels is ſowen, whereby they doe not onely become immortall, but multiply. For when Wee ſhall haue taken the paines to cauſe Our *Marſhals* to agree a Quarrell, whereupon both Wee and all honeſt men haue reaſon to account it vtterly extinct, vpon ſuch a Publication, both the Parties, and the Seconds are brought vpon the Stage againe; and not onely by theſe meanes may happen, that the parties ſhal againe fall out, who were before agreed, but euen their friends, and peraduenture other friends, that had nothing to doe with the matter, muſt vpon the backe-reckoning fall by the eares together. But if it ſhould chance one or both of the Parties to be killed in the firſt Quarrell, if ſuch ſort of Publication ſhould bee made by any of the Seconds, it is enough to renew a Quarrell, either betweene thoſe Seconds, or ſome of the neereſt of their kinne, who were killed before; and ſo ſhall quarrels become immortall, and their memory renew, whereas the beſt remedy againſt all ſinnes and offences, is forgetfulnes.

For

For remedy whereof, We doe hereby declare, That whosoeuer shall after the publication of Our pleasure, presume to put in writing, or publish any discourse of the maner, either of their meetings appointed with their parties, or their fighting, or any part of that quarrellous businesse; Wee will haue them to be brought *Oretenus*, or otherwise, as the case shall require, in the *Starre-Chamber*, and there to be punished at the discretion and Censure of that Court, for their high contempt against Vs, to be hereafter banished the Court of Vs, Our deerest *Bedfellow*, and the Prince Our *Sonne*, for the space of seuen yeeres: And which is heauiest of all, Wee doe protest for Our owne part, We shal neuer account of them but as *Cowards*. For We doe euer hold it the part of man to shew his courage, when hee is put to it in action: But hee that seekes his reputation from manifest voyces among the people, Wee will euer accompt it to proceed from the knowledge and iealousie of his owne weakenesse; as if a man could not winne honour, but *per mendicata suffragia*,

among the ordinaries. If any man ſhould finde himſelfe grieued with any whiſperings or rumours ſpread abroad, miſreporting the cariage of any ſuch matter, he may reſort to Our *Commiſſioners Marſhall*, who ſhall right him in his Reputation, if they finde he be wronged.

THe greateſt Oratour aliue, can neuer draw yong Gentlemen to beleeue, conſidering the tickle ſtate wherein men ſtand, that by aduenturing too far, run themſelues within the danger of the Law, though the propoſition it ſelfe be very iuſt and true, that the ſending of a *Challenge* in cold blood, is rather a demonſtration of puſillanimitie and cowardiſe, then an acte of reſolution and fortitude. For proofe whereof, howſoeuer it be deemed and reputed as a *Paradox* by ſome, that had rather leeſe their liues, then the libertie which they take, to put others to the perill of their liues; as many pregnant arguments may be brought out of all profeſsions, as there are certaine grounds of morall iuſtice, to ſupport the rules by which

States

States are directed, & contempts punished.

TO make the case more cleare and euident; Wee must conceiue this ground, that all persons haue beene heretofore, and to the worlds end shall be, branded with the marke of ignominie and grosse cowardise, that offer to send *Challenges* to men that are in duresse, or that are lame, or necessarily tyed, as ministers subordinate, to Superiour commands. Men may bee likewise brought in question probably for their valour, for presuming out of heat to strike an enemie within the *Verge*, either of a Church, or of a Court of Iustice, or of a Princes house: hee lends the Charitie to one that cannot possibly repay the lender in his owne coine, without the breach of as many Lawes, as faults can be subiect to censures.

IF then in euery one of these extreames, it is not onely expected, but imposed, that Gentlemen should not onely forbeare with caution, but feare out of conscience to offend more heinously in the manner of the

reuenge,

reuenge, (the persons and the places cautiously considered) then the first affronts did to satisfie despight; what shall We iudge of *Challenges* in colde blood, that wrong Iustice in those very kindes that are expressed, besides many more, that times and occasions may exemplifie?

FOr, who can deny that man to liue in the state of a prisoner, whom so many bands of duety and obedience deteine from answering a person that is past himselfe, according to his folly, or a man transported beyond ciuill bounds, by consenting in the same act of wilfulnesse? Why may wee not accompt those men to be lame, whom Iustice, for the time, depriues of all forces and faculties, by which they should performe that vnlawfull Challenge, to which they are inuited or prouoked, by the pride and outrage of their Opposites? How can they be said to stand free from superior commands, that are borne in obedience to Lawes and Magistrates, and that by the Lawe of nature owe the first duty to their Countries,

the

the next to their parents and friends, and the laſt to themſelues, being further bound by the rules of the great Generall, to keepe their ſtanding firme, according to the iudgment of the diuine *Philoſopher*, without ſomuch as ſtepping aſide vpon any errand, till they be otherwiſe employed, or receiue ſufficient diſcharge by ſupereminent Authoritie? what difference can any wiſe man put betweene one that ſtrikes in the Church, and that ſtrikes againſt the Canons of the Church; that giues a blow within the barre, and him that breakes thoſe Lawes and Orders wilfully, that are impleaded at the barre; betweene him that buffets his Oppoſite within the *Verge* of the Kings houſe, and him that by conforming to the *Challenge*, braues the Prince himſelfe that fortifies the *Verge*? For whether ſhall we ſay to be greater, as our *Sauiour* himſelfe demaunds, the Gold it ſelfe, or the Temple, by which the Gold comes to be ſanctified? Since then the partie thus bound vp with *Lazarus* both hand and foote, cannot appeare vpon a *Challenge*, without incurring firſt the cen-

sure of all Lawes without respect to conscience or awe, Wee hold the partie that prouokes him to the perill of his Honour, fortune, conscience & life, to be timorous, and base, because all circumstances, aswell personall, as locall, vtterly bereaue him that free scope which Subiects ought to challenge, answering a matter of this weight Opposite.

BY that time the most proper Remedies haue qualified the distemper of ill disposed minds, audacious Spirits haue smarted for incompetent desires, the false colours and pretences of erring Customs, haue both bin counter-pleaded & corrected by reforming Seueritie, by that time Passion hath bene put into the right course of submitting to Discretion, and Caution hath wrought it selfe at leasure, into as constant a forme and habite of conforming to Obedience, as Selfe-will tooke in former times to plant false Principles; the greater part will easily discerne, that there is greater reason to reprooue those that offer Challenges of madnesse, then to taxe those of Cowardise, that abstaine out of duety.

Since

SInce therefore it belongeth vnto Vs that are accountable to the Soueraigne Commaunder both of heauen and earth, to punish all wilfull transgressours of Diuine Lawes, whose end is to destroy the sacred Image of GOD himselfe in the soules of men; to preuent the shipwrackes that are daily made of Liues and Families, to the great enfeeblement of the *State* it selfe; to binde Honour to Obedience, with a knot insoluble;& to suppresse selfeloue that seducing Counsellour, that obserues no rules: It now remaines, that so many as shal cõceiue themselues to be behinde in the least respect or point of Honour, seeke discreetly and aduisedly to repaire themselues in the *Marshals* Court, who are already throughly instructed and prepared, as well for the cleansing of all greene *Wounds*, as for the healing of olde *Vlcers* that shal appeare to them.

SIT LAVS SANCTÆ TRINITATI.